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REPORTS

FROM

COMMITTEES:

SEVEN VOLUMES.

—(4.)—

GAOLS AND HOUSES OF CORRECTION (LORDS).

Session

5 February —— 28 *July* 1863.

VOL. IX.

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FROM

COMMITTEES:

SENATE YEAR-BOOK.

—(4)—

CASES AND MOTIVES OF CONSECUTION (CONT.)

Session

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N. B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

GAOLS AND HOUSES OF CORRECTION:

499. REPORT from the Select Committee of the HOUSE of LORDS, on the present State of Discipline in GAOLS and HOUSES of CORRECTION; together with the PROCEEDINGS of the COMMITTEE, MINUTES of EVIDENCE, APPENDIX, and INDEX. (Brought from the LORDS) - - - - - - - - - - p. 1

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Brought from the Lords, 23 July 1863.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

ON THE

PRESENT STATE OF DISCIPLINE IN GAOLS AND HOUSES OF CORRECTION;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
24 *July* 1863.

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REPORT.

THE SELECT COMMITTEE appointed to consider and report on the present State of Discipline in Gaols and Houses of Correction, have agreed to the following REPORT:

ORDERED TO REPORT,

On a subject so large in extent as that referred to them, the Committee have obviously been unable to carry their inquiries into the particular management and details of all or even of the majority of county and borough prisons. Enquiry into the Irish and Scotch prisons is not included in the Order of the House; and the Welsh Gaols, from their smaller size, and as falling naturally under the rules and principles of penal discipline which are applicable to the English prisons, have appeared to demand somewhat less investigation than those in England. With regard to the English Gaols and Houses of Correction, they have endeavoured, as far as lay in their power, to summon for examination witnesses who, from official position or from known differences of personal opinion, might in some sense be said to represent the various schools of thought and practice which the administration of our prisons has developed.

Amongst so many persons speaking on so many and such various systems of prison management, some conflict of evidence is naturally to be found, but that disagreement is one rather of opinion than of fact, and it turns mainly upon points of secondary importance. The Committee have been greatly guided towards their general conclusions by the remarkable concurrence on the larger questions of many of the ablest and most experienced witnesses whom they have examined.

I. They have, in the first place, to remark that many and wide differences, as regards construction, labour, diet and general discipline, exist in the various Gaols and Houses of Correction in England and Wales, leading to an inequality, uncertainty and inefficiency of punishment, productive of the most prejudicial results. In some gaols, such as Wakefield, the cells are constructed on the separate system; in many, as at Leicester and Stafford, a portion only of the cells are certified, though all prisoners are separated; and in others, such as Maidstone and Coldbath-fields, the associated system still prevails extensively.

On reference to a Return Ordered by the House of Commons, 18 April 1856, it appears that the separate system was not at that time established in the Borough Gaols of Bodmin, Falmouth, Saltash, Exeter, Barnstaple, Colchester, Ilford, Gloucester, Deal, Dover, Westminster, Oxford, Beccles, Hastings, and Rye, in the southern district; nor in those of Leicester, Kirton-in-Lindsey, Louth, Spilsby, Norwich, King's Lynn, Nottingham, Wenlock, Litchfield, Warwick, Coventry, Appleby, Kendal, York Castle, and the City Gaol, in the northern district. The Queen's Bench in Surrey, and the county prisons of Coldbath-fields, Monmouth, and Rutland are also described as wanting in the accommodation of separate cells (together with the Liberty Prison of St. Alban's). Since then the gaols at Saltash, Deal, Beccles, Hastings, Coventry and Wenlock have been closed, whilst many have been wholly or partially fitted up with separate cells. Amongst these are the gaols of Bodmin, Exeter, Gloucester, Oxford, Nottingham, Leicester and Warwick, together with the Westminster House of Correction.

The differences with regard to labour are still more marked. In some gaols the treadwheel is the chief and occasionally the only means of giving labour. At Northallerton, Warwick, Rutland, Walsingham, Spilsby, Canterbury, and Huntingdon, it is said to be the sole punishment in force; in others, the cellular crank forms the principal implement of punishment, but it is sometimes reserved for second and third offences, refractory paupers and assaults, and sometimes it

Appendix N.

is, as at Southwell, appropriated to the punishment of vagrants alone; in others the crank, which is worked by one continuous shaft, and which gives employment to several prisoners at the same time, is in force; in some cases picking oakum or stone-breaking, in others industrial occupations prevail; in one prison "self-instruction" is said to be the main element of discipline, and labour is not
2618. only supposed to be productive of no good result, but every hour devoted to it is
2609. treated as a relaxation or relief from the seclusion of the cell. Nor are these various forms of employment in any fixed proportion to each other or to the period of imprisonment. In Leicester the labour of the crank is continued during the whole of the prisoner's sentence, whilst at Stafford and at Petworth it is enforced during the earlier stages of confinement. The construction too both of the treadwheel and crank appears to vary in the different gaols. In Wands-
1025. worth prison, according to the evidence of one of the witnesses, the pressure put upon the axis of the crank is graduated by defined weights, and the amount of resistance left to be determined by the surgeon: on the other hand, in the older form of crank, as at the New Bailey, Salford, the pressure is regulated by a simple turn of the screw, at the option of the gaoler. It may, according to this witness, be estimated at 7 or 10 lbs.; but the effect is very different, for "the effect of the nominal 7 lbs. crank at the New Bailey at Salford, in com- "parison with the effect of the Wandsworth crank of 7 lbs., is as 1·6 to 1; and "the effect of the so called 9 lbs. crank at the New Bailey, as compared with "the 12 lbs. crank at Wandsworth, is as 1½ to 1. Therefore there is very great "difference with regard to the effect of the nominal value, and since the nominal "value is determined by the simple turn of a screw, which can never be gra- "duated nicely, it is quite clear that the pressure at the New Bailey must vary "with each prisoner every day."

Again, the discrepancies of diet, both as regards amount and quality, and the different periods at which the several changes take place, are equally remarkable.

A scale of diet was issued by the Home Office in 1843 for the consideration of the local authorities. That scale has been wholly adopted by some gaols, and
818. partially by others. Thus it is stated that in Cardiff, till recently, no meat was allowed, whilst in Coldbath-fields the prisoner enjoys six ounces of cooked meat on four, and four ounces on three days of the week: and again whilst the higher scale of food begins in Cardiff after 14 days' confinement, it commences in Coldbath-fields after four days only. It would seem from the evidence of Dr. Guy, that the higher classes of diet, as sanctioned by the Home Office in 1843 were
3809. framed upon the prison diet of Millbank—Class V. corresponding closely with it.
3816. No less than 42 county and borough prisons are said by him to have adopted the Home Office recommendations in regard to the diet of this Class; but the Millbank dietary exceeds that of Pentonville by two ounces of bread per day; an excess which, in his opinion, can be justified only by the peculiar local condition of that prison in a sanitary point of view. It is, however, on this exceptional standard, that the Home Office recommendations for Class V. appear to be based.

It is difficult to trace the existence of any fixed principle in the original construction of the official dietaries, and such a principle would appear to be equally wanting in those prisons which have not adopted the Home Office scale. Dr. Guy states, that on an analysis of the dietaries in use by county and borough prisons which have not adopted the Government recommendations, the element of bread is found to vary from a minimum of 30 ounces per week, to a maximum of 224 ounces, that of potatoes, from 24 ounces to 112 ounces, and that of meat, from 0 through 6, 8, 12, 18 to 25 ounces; whilst taking the total solid elements of bread, potatoes, and meat, differences are exhibited, varying from a minimum
3817, 3819. of 100 ounces, to a maximum of 340 ounces during the week.

II. The Committee are of opinion that it is desirable to establish without delay a system approaching as nearly as may be practicable to an uniformity of labour, diet and treatment; and,

III. That whilst industrial occupation should in certain stages form a part of prison discipline, the more strictly penal element of that discipline is the chief means of exercising a deterrent influence, and therefore ought not to be weakened, as it has been in some gaols, still less to be entirely withdrawn.

IV. In all questions of prison discipline, it appears to the Committee that the principle of separation, or association, stands first for consideration. Next in importance is the question of solitary confinement. Separation.

Association, or a mixed system of association and separation prevails, as has already been shown, in many gaols. Such anomalies however, are, in the opinion of the Committee, very objectionable. They should be removed at the earliest practicable time; and their present existence can only be justified by the difficulties of reconstruction, and the natural reluctance of the local authorities to incur a heavy expenditure. The Committee entertain a very decided opinion on this head, and having reference to the course of legislation now extending over many years, and the agreement in opinion and practice of the highest authorities, they consider that the system generally known as the separate system, must now be accepted as the foundation of prison discipline, and that its rigid maintenance is a vital principle to the efficiency of county and borough gaols.

The Committee concur entirely in the opinion expressed by the Commissioners of Pentonville, who in their Fifth Report, dated 5 March 1847, give the following decisive testimony in its favour:—

"We concluded our Third Report, by strongly urging the advantage of the separation of "one prisoner from another, as the basis and great leading feature of all prison discipline.
"On reviewing this opinion, and taking advantage of further experience, we feel war- "ranted in expressing our firm conviction that the moral results of the discipline have been "most encouraging, and attended with a success which we believe is without parallel in the "history of prison discipline."

And in conclusion they state as their deliberate opinion, that

"The separation of one prisoner from another is the only sound basis on which a refor- "matory discipline can be established with any reasonable hope of success."

In order to avoid all ambiguity on so important a branch of this inquiry, it is to be observed that separation has a two-fold aspect in which it may be considered: first, that seclusion which results from the mechanical construction of the prison and its cellular arrangement; secondly, that separation of the prisoner from his fellows which is dependent upon system and discipline, as apart from the material separation of the cells.

(a) Separation by Construction.

1. The Committee have observed from the evidence submitted to them, that in many of the best gaols a large proportion of the cells are below the precise standard of size, and consequently uncertified by the inspector. Such cells, however, appear to be used under certain conditions, without prejudice to the administration of the prison or the health of the prisoners.

Whilst for the future the fullest development is given to the separate system, it will be for the Secretary of State to consider how far the practical object in view may not be met, and the difficulties arising out of the expense of a reconstruction of many prisons obviated by allowing a certain proportion of cells below the average standard to be certified and sanctioned, it being understood that the occupants of those cells shall consist of prisoners undergoing short sentences, who shall be chiefly employed during the day upon hard labour outside their cells.*

2. The Committee recommend that legislative measures be taken as speedily as possible to render the adoption of separation obligatory upon all gaols and houses of correction in England and Wales, and that the payment of the proportion of the charge, now issued from the public revenues in aid of the county and borough prisons, be made contingent in each case on the adoption of the separate system.

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* In 1851 Sir J. Jebb, in his Report on Prison Discipline and Management, proposed to reduce the dimensions of prison cells from 13 feet long by 7 feet wide—the standard size at Pentonville—to 9 feet long by 6 feet wide. "There is no objection," the report proceeds to state, "to the use of such cells for short periods varying from three to six months, if the ventilation be sufficient. Where looms or other cumbrous machinery are introduced, a larger space is necessarily required." See also Sir W. Crofton's suggestion for the provisional partition of associated prisoners in gaols of an old and imperfect construction, 3237–44.

(b) Separation by System.

3. It is clear that this kind of separation must depend upon the judgment and capacity of those who are locally responsible for the administration of the prison. The newest and most elaborate form of construction is an insufficient safeguard if there is any relaxation of the necessary precautions by the local authorities, whilst an old and defective gaol may in some degree, by care and proper arrangement, be adapted to the requirements of our present system.* Looking, however, to the ordinary arrangements which exist in most gaols, there are so many interruptions to the regularity of prison discipline, instruction is given at such various times, and the communications which pass between prisoners and other persons are so frequent, that separation, though it exists nominally in many, is really to be found in few gaols; but where it does exist, it exercises both a reformatory and a deterrent effect. Under these circumstances, the Committee are of opinion that the principle of separation should be made to pervade the entire system of the prison, and no adequate reason has been assigned for the relaxation of the rule in school, in chapel, and at exercise. It is, however, to be understood that this conclusion is not intended to limit the *cellular* and other religious instruction which the chaplain may think fit to administer to any prisoner.

4. The justice of this view is generally admitted, except as regards the association of prisoners in chapel. Upon this point the evidence is conflicting.

The main objections to the use of separate compartments in chapel appear to resolve themselves into two; one moral, the other mechanical. The first is grounded upon the opinion that a gaol chapel ought to be as much as possible like a parish church; the second arises from the belief that the compartments, from the mode of their construction, tend to facilitate rather than impede communication between the prisoners, and to induce them to deface the panels of the stalls by indecent writings or drawings. Neither of these objections seems to the Committee to be valid. With regard to the first, they conceive that the benefits which may be derived from giving a more devotional character to the chapel cannot outweigh the advantages of preventing the communication of prisoners with each other, and of rendering difficult their recognition by their fellow-prisoners on their discharge. With regard to the second objection, the Committee think that by adopting arrangements of the same nature as those which are in force in Bristol Gaol, the separation of the prisoners may be effected without difficulty. For these reasons the Committee recommend that the separate system should be carried out in the chapel as well as in every other part of the prison.

Solitary Confinement.

V. In regard to solitary confinement, the Committee observe that at the present time it scarcely forms any part of the ordinary treatment of criminals, except as a punishment for prison offences, for which purpose it is found to be very effective.

The Committee are of opinion that it would be possible to substitute, in many cases, the shorter term of three and seven days' solitary confinement on bread and water for the present sentences, ranging from seven to 21 days with hard labour.

By such change in sentences passed by the court, the advantages of a more efficient discipline and economy in the amount of accommodation required would be secured.

The principle of sentencing offenders to solitary confinement is sanctioned by the 43d Clause of the Mutiny Act, and the 24 & 25 Vict. c. 100, s. 70.

VI. 1. There

* This appears actually to be done in the city gaol of Bristol. See Mr. Gardner's evidence. Sir J. Jebb has added his testimony to the complete success, so far as separation is concerned, which is obtained by the system that is there pursued. "I know of one prison," he says, "which is on the old construction (I speak now of the prison at Bristol), where a most effective discipline is well kept up by the governor, with very inadequate means as regards construction: he has small cells, which are only fit for sleeping in, and cannot be certified for separate confinement; but by dividing his treadwheel into close compartments, and letting out the prisoners from their cells at certain distances from each other, and shutting them up in the compartments of the treadwheel, and marching them back again to their cells in the same way, no two prisoners can ever see each other, and you really obtain the advantages of separate confinement without the expense which is entailed by the construction of a prison." [1207.]

VI. 1. There can be little doubt that a large proportion of the discrepancies which exist in the discipline administered in different prisons is due to the different construction placed by the local authorities upon the sentence of hard labour ordered by the Court. Committees of both Houses have repeatedly recommended, and various statutes have distinctly required, the infliction of hard labour; but it is clear from the evidence that there is the widest possible difference in the opinions held as to what constitutes hard labour. The Committee believe that, with the best intentions on the part of the local authorities, there is in many gaols a great and unfortunate misapprehension on this head, and that until some more precise definition of hard labour is assigned, the grave public inconvenience and injustice which now arise from the inequalities of penal discipline in neighbouring counties or even in parts of the same county, must continue in full force. The first step towards a better and more uniform system throughout the country, would, in the opinion of the Committee, be found in an authoritative definition, by Act of Parliament, of the term of hard labour. Nor does there seem to be in this any practical difficulty. Of the various forms which are in force in the several prisons, the treadwheel, crank and shot-drill alone appear to the Committee properly to merit this designation of hard labour. Of these, the treadwheel and the crank form the principal elements of penal discipline, and might be safely prescribed as such in any future Act of Parliament. But whenever the local authorities may think it necessary to supplement the treadwheel or crank by further hard labour, recourse may satisfactorily be had to shot-drill, and this form of hard labour may be combined with the industrial employment in the later stages of imprisonment. Industrial occupation, though it may vary in amount and character, is so much less penal, irksome, and fatiguing, that it can only be classed under the head of light labour. The picking of oakum must be regarded as an intermediate form of work; but under no circumstances, and to no class of prisoners, can industrial occupation be made an equivalent for a corresponding amount of hard labour as administered by means of the wheel, the crank, or the shot-drill. Labour.

2. It has been alleged in the course of the evidence, that the use of the treadwheel and crank degrades, irritates, and demoralises the prisoner; but the Committee, after full consideration, see no reason for entertaining this opinion, and, under certain conditions, they highly approve of the use of both these instruments of prison discipline. Productive labour, indeed, holds out to the local authorities the hope of some profit, and is somewhat less irksome to the prisoner: it is therefore frequently urged, that the crank and wheel, if used at all, should be confined to the pumping of water, or the grinding of corn, or some other remunerative work. The Committee cannot subscribe to this view. If the local authorities can make use of the crank or treadwheel for productive work, the Committee see no objection to such an arrangement, but they think it essential that every prisoner sentenced to hard labour should be employed upon the crank or treadwheel for a minimum period, and that in no case should the regular enforcement of this system be relinquished or impaired for the sake of making the labour remunerative.

3. In considering the effect of any particular discipline, the Committee have had to look, not only to the nature and the amount of the hard labour to be required of every prisoner in order to secure a certain uniformity, but they have thought it their duty to take into consideration the further difficulties involved in the different length of sentences. The labour which is fitting and salutary for a prisoner undergoing a sentence of six, nine, or twelve months, may not be so appropriate physically or morally, if applied during the last year of confinement. It appears difficult to lay down any precise rule for the more advanced stages of imprisonment. There is much disagreement, both of opinion and practice, on this point, and it is for the local authorities to determine how far the proportion of hard labour which the Committee are now prepared to recommend for the earlier stages of imprisonment, may be carried on, supplemented, relaxed, or modified by some other form of employment. As regards the short sentences or the earlier stages of imprisonment, the Committee believe that they are adopting a safe and a moderate standard when they recommend that every prisoner sentenced to hard labour shall, unless exempted by medical authority on grounds of health, be employed at the treadwheel or crank not less than eight hours per day the first three, and not less than six hours per day during the next three months of

the first year of imprisonment. They further recommend, that all Gaols and Houses of Correction shall, as a condition to their receipt of the Treasury allowance, both be provided with a sufficient supply of hard labour machinery for the average number of male prisoners sentenced to, and medically fit for, hard labour, and be annually certified to the Secretary of State as giving the full daily minimum work on treadwheel or crank, as described above.

4. It is however essential, that the treadwheels, as far as possible, be of an uniform pattern and construction, divided by proper partitions, with machinery yielding the same number of revolutions in a given time, and with steps of an equal height; that the cranks be also of an uniform construction, giving a fixed pressure, and the screw now regulating that pressure be omitted. Where, however, any gaol is already furnished with a treadwheel, which can be certified by the inspector as effective, it would be desirable that the Secretary of State should sanction their provisional use, subject, however, to the condition that the pressure of the cranks be adjusted as nearly as possible to the fixed pressure. It is desirable that a register should be attached to the treadwheel and the ordinary crank, and that wherever the cellular crank is used, an index to record the number of revolutions effected should be fixed within sight of the prisoner.

5. It will be seen that under the changes here proposed, a minimum of hard labour is provided during the first six months of a prisoner's confinement. The Committee do not think it necessary to extend their recommendations into further detail, and they believe it will be best left to the local authorities of any gaol, in which there are the means of giving industrial occupation, to determine whether, and to what extent, such employment should be a substitute for hard labour during the remainder of the imprisonment; but wherever such employment is given, not less than nine hours per day should be allotted to it.

6. These recommendations, indeed, fall very far short of giving practical effect to the full powers of punishment sanctioned by the 4 Geo. 4, c. 64, s. 10; and if the minimum scale of hard labour indicated in the above paragraphs be adopted, there will be in the case of prisoners undergoing the shorter periods or the earlier stages of confinement, a considerable portion of the day to be disposed of. It will be under such circumstances, as already explained, competent for the local authorities, either to devote that time to industrial occupation where they have the means of so doing, or to prolong the hard labour at the crank and treadwheel, if upon consideration this should be found expedient; but there will be cases where industrial employment cannot be given, and where it is desirable to make some variation in the labour of the wheel and crank. In such cases, it seems to the Committee that recourse might well be had to shot-drill. The experience of the Naval Prisons clearly shows that a simple form of shot-drill is perfectly applicable to other than military offenders, and if the shot be slightly raised from the ground, this punishment is free from all possible objection in a physical point of view. They recommend it on the grounds of efficiency, simplicity and economy as a form of disciplinary correction in aid of, and supplementary to, the hard labour of the wheel and crank.

Industrial employment.

VII. The Committee have had their attention strongly directed by many witnesses, on the ground both of profit and of individual reformation, to various modes of industrial employment which are provided in different gaols with more or less success. The Committee have not pursued their inquiry far enough to determine, with any certainty, what proportion the work done bears to its average cost. They are inclined to doubt whether under the usual circumstances of any gaol the return from such labour can be said to be very remunerative; but at all events they are of opinion, that a profitable return from industrial employment ought not to be made the test of prison efficiency. It is not applicable to all classes of prisoners, or to all individuals amongst them. Where even it is most extensively in operation, it does not appear to be the practice to estimate the labour done by task or piece-work, and by the admission of many witnesses it would be difficult to do so. The extent and value of that moral influence, which industrial employment exercises upon the mind of the prisoner, is a matter which is much debated, but which is obviously not susceptible of direct proof. The truth probably lies between the extreme views of those who lay great stress upon, and those who altogether deny the existence of such an influence. The Committee are, however, of opinion that industrial occupation is wholly unfit for those

those offenders who are undergoing a short sentence, or are working out the earlier stages of their imprisonment. On all grounds it ought to follow upon the hard labour of the tread-wheel or crank, and ought not to be accepted as an equivalent for them.

VIII. 1. When Sir J. Graham issued a scale of diet for county and borough gaols, it was understood that the dietary was not an integral part of the penal system then laid down. It is, however, shown by the evidence, that in the majority of county and borough gaols the diet is supposed to form part of the punishment, and is more or less regulated upon that supposition. That this modification of the original system is a salutary one, the Committee cannot doubt. The low animal natures of too many of the criminal class, and the admitted efficiency of reductions of food in cases of prison offences, render plain the value of diet as one form of penal correction. Sir J. Jebb, in his evidence, states this very clearly: "I think that the deterring elements of the punishment are hard labour, hard fare, and a hard bed, and for the lowest class in a civil or a military prison, I should propose that those elements were applied as far as they could consistently be applied, with a view to deter the men from crime." The medical witnesses, who have been called, concur in the expediency and practicability of this view; and the Committee are of opinion that diet may be made a just and useful element of penal discipline. Diet. 1284.

2. It is always difficult to arrive at a fair comparison of the conditions of different classes of men; but it may be safely laid down, that whilst sufficient in amount and quality to the requirements of the prisoner's health, the diet ought not to be in more favourable contrast to the ordinary food of the free labourers or the inmates of the workhouse, unless sanitary conditions render it necessary.*

3. The dietary of county and borough prisons is very unsatisfactory, from the total absence of uniformity, and the irreconcileable inequalities in the nature and the amount of food given, whilst the dietary framed and recommended by the Secretary of State, and adopted in many prisons though frequently with local modifications, is not sufficiently based upon scientific and medical principles to be taken as a satisfactory guide. In the opinion of witnesses who, from knowledge and experience, are entitled to every consideration, a scale of food is laid down in Classes IV. and V. which is beyond the reasonable requirements of health.

4. But whilst these classes are probably in excess of the due amount of food, it would seem that the Classes below them, I., II., and III., are, in some respects, defective as regards the quality of the diet; for whilst the Committee have had evidence to show that animal food need not enter so largely as is at present the case under the Home Office Scale into the ingredients of prison food, they are not at liberty to doubt that the presence of a vegetable element, and particularly of potatoes, is indispensable as a preservative against scurvy, and that the absence of it has been proved by experience to be a very serious defect.

The evidence which has been received tends to show that a vegetable and farinaceous diet, with the assistance of milk and some slight addition of meat, might be used by prisoners without risk to health. The experience, indeed, of the military prisons shows that this is possible for the first 56 days of imprisonment, and the "Penal Class Diet" of Millbank, from which the element of meat is excluded, proves that such a diet may be safely carried on for upwards of a year.

The Committee are not indeed prepared, (on their own responsibility,) to recommend any one table of diet to be made uniform for all prisons in England and Wales; but they would draw special attention to the medical evidence which Dr. Smith and Dr. Guy have given, and to the four principal scales of diet subjoined.

* There is a great conflict of opinion on the comparison of workhouse with prison dietaries. Several witnesses have expressed a confident belief that the workhouse scale is very much below that of the gaol. Mr. Oakley, the Governor of Taunton Gaol, compares the diet of 46 union workhouses with 50 county and borough gaols, and shows, that whilst there is an average of 202 oz. of solid food and 16 oz. of liquid food to each inmate of the workhouse, there is allowed an average of 267 oz. of solid food and 17 oz. of liquid food to every prisoner during the week (*see* Appendix F); and he believes that workhouse offences are committed from the sole motive of gaining admittance to the superior fare and comforts of the prison. On the other hand, Mr. Lumley, who was summoned from the Poor Law Board, has given some other figures on the same subject (*see* Appendix G.), and expresses his disbelief of the commission of workhouse offences in order to secure a removal to the prison. 3432.

I.

Military Prisons' Diet.

An improved scale of diet, which had been in use in the Military Prison at Aldershot since August 1858, was provisionally adopted for prisoners engaged at hard labour in Military Prisons at home stations in September 1861. The following is the scale:—

Ordinary Diet.—The prisoners' diet, when not in solitary confinement, is to be as follows:

Breakfast	8 oz. of oatmeal ½ pint of milk	Daily.
Dinner	9 oz. of Indian meal ½ pint of milk	
Supper	8 oz. of bread ½ pint of milk	

Diet in Solitary Confinement—If in solitary confinement by sentence of a court-martial, or in separate confinement, or not employed at severe hard labour:—

Breakfast	8 oz. of oatmeal ½ pint of milk	Daily.
Dinner	6 oz. of Indian meal ½ pint of milk	
Supper	8 oz. of bread ½ pint of milk	

Diet after 56 days' Confinement.—The following scale will be adopted for prisoners after fifty-six days' confinement:—

	Hard Labour Diet.	Solitary Confinement Diet.
Breakfast, oatmeal	10 oz.	8 oz.
Dinner, Indian meal	12 oz.	9 oz.
Supper, bread	8 oz.	8 oz.

With ½ pint of milk to each meal.

On three days of the week, viz., Sunday, Tuesday, and Thursday, the prisoners' diet will be as follows:—

Breakfast	8 oz. of oatmeal ½ pint of milk	Daily.
Dinner	8 oz. of beef, without bone, before cooking, 2 lbs. of potatoes or 8 oz. of bread, 1 pint of soup thickened with 1 oz. of oatmeal, and 2 oz. of vegetables per man, seasoned with pepper and salt	
Supper	8 oz. of bread ½ pint of milk	

With the exception of the first class, whose dinner on Sundays will consist of 10 oz. of beef, without bone, after cooking, with potatoes and soup as the others.

II.

Millbank Penal Class Diet.

10 oz. of oatmeal.

10 oz. of Indian meal.

12 oz. of bread.

1½ pint of milk.

8 oz. of potatoes.

III.

Home Office Scale.

		Per Day.	Per Week.
1. Convicted prisoners; any term not exceeding 7 days.	Bread	1 pound	10 pounds.
	Oatmeal gruel	2 pints	2 pints.
	Weekly Total of Solid Food		112 ounces.
2. Exceeding 7 days; not exceeding 21 days; or after 7 days, and up to 21 days.	Bread	1½ pound	10½ pounds.
	Oatmeal gruel	2 pints	2 pints.
	Weekly Total of Solid Food		168 ounces.
3. Exceeding 21 days: not exceeding 6 weeks; or after 21 days, and up to 6 weeks.	Bread	1¼ pound	8¾ pounds.
	Oatmeal gruel	2 pints	14 pints.
	Potatoes	-	4 pounds.
	Meat	-	6 ounces.
	Soup	-	2 pints.
	Weekly Total of Solid Food		210 ounces.
4. Exceeding 6 weeks; not exceeding 4 months; or after 6 weeks, and up to 4 months.	Bread	1½ pound	10½ pounds.
	Oatmeal gruel	2 pints	14 pints.
	Potatoes	-	2 pounds.
	Meat	-	12 ounces.
	Soup	-	3 pints.
	Weekly Total o Solid Food		212 ounces.
5. Exceeding 4 months; not exceeding 1 year; or after 4 months, and up to 1 year.	Bread	22 ounces	154 ounces.
	Oatmeal gruel*	2 pints	14 pints.
	Potatoes		
	Meat		
	Soup		
	*On three days of the week.	Cocoa, 1 pint for the gruel.	
	Weekly Total of Solid Food		282 ounces.
6. Exceeding 1 year; not exceeding 3 years; or after 1 year, till the expiration of sentence in county and borough prisons.	- - -	- -	- -

IV.

Dr. Guy's Proposed Dietary.

	Per Day.	Per Week.	Remarks.
Bread	1 pound	7 pounds	One pound of bread per diem, is the common allowance for prison offences.
- - -	- -	112 ounces.	
Bread	1 pound	7 pounds	The early introduction of the potatoes is recommended on account of its anti-scorbutic properties.
Potatoes	½ pound	3½ pounds	
- - -	- -	168 ounces.	
Bread	1 pound	7 pounds	The addition of 2 pints of oatmeal gruel is deemed sufficient for this short term. It should be salted and sweetened as in the recommended diet.
Potatoes	½ pound	3½ pounds	
Gruel (oatmeal)	2 pints	14 pints	
- - -	- -	168 ounces.	
Bread	1 pound	7 pounds	In this dietary the bread is in excess of the military allowance up to 56 days, by half-a pound a day; the half-pound of potatoes does not exist in the military diet. As a set-off to this excess, the Indian meal of the military diet is reduced from 9 to 6 ounces, and the milk from 1½ pint to 1 pint per diem.
Potatoes	½ pound	3½ pounds	
Oatmeal	8 ounces	3½ pounds	
Indian meal	6 ounces	42 ounces	
Milk	1 pint	7 pints	
- - -	- -	266 ounces.	
Bread	1 pound	7 pounds	This dietary is in excess of the penal class diet of Millbank by 4 ounces bread and 8 ounces potatoes per diem; but it falls short of it by 2 ounces oatmeal and 2 ounces Indian meal per diem, and by half a pint of milk per diem. It would probably prove equally wholesome and nutritious.
Potatoes	1 pound	7 pounds	
Oatmeal	8 ounces	56 ounces	
Indian meal	8 ounces	56 ounces	
Milk	1 pint	7 pints	
- - -	- -	336 ounces.	This diet is in excess of the penal class diet of Millbank by 4 ounces of bread and 8 ounces of pototoes, and it reaches the full allowance of that diet in oatmeal, Indian meal, and milk. It is believed to be a wholesome and nutritious diet for men undergoing hard labour.
Bread	1 pound	7 pounds	
Potatoes	1 pound	7 pounds	
Oatmeal	10 ounces	70 ounces	
Indian meal	10 ounces	70 ounces	
Milk	1½ pint	10½ pints	
Weekly Total of Solid Food		364 ounces.	

Arrangement of Meals in the several Dietaries.—The pound of bread in Class 1 to be given to the prisoner every morning, or twice a day, in 8 ounce rations, or three times a day, in rations of 6, 6, and 4, for breakfast, dinner, and supper. The potatoes, of course, always at dinner. The oatmeal gruel at breakfast and supper, according to the views of the prison authorities. The oatmeal, made into porridge with half a pint of milk, for breakfast. The Indian meal, with the like quantity of milk, at dinner. In Dietaries 4, 5, and 6, the bread to be distributed thus:—Breakfast and dinner, 4 ounces each; supper, 8 ounces. But minor details to be left to the authorities of the several prisons. For women, the liquid elements to be as with men, but the solid food less by one-fourth.

5. It is a matter for the consideration of the Secretary of State, and of the local authorities in their various districts, how far the present scale may be with advantage modified, on the evidence which is annexed to this Report and the tables of diet as laid down above; but it appears that there are still medical and scientific questions as to the effect produced by confinement upon prisoners, and as to the necessity of certain ingredients in the food, which require further investigation. Under these circumstances, the Committee recommend that a Commission be issued to inquire into these questions, with authority to determine by experiment the points referred to them.

6. Whilst the Committee admit the necessity of giving to the surgeon of every gaol a discretion by the occasional increase of food to meet the special circumstances of individual cases, they cannot but feel that the issue of "extra diets" to prisoners who are not upon the sick-list, is a power to be sparingly used and carefully watched. It should, in their opinion, be the invariable rule of every gaol, that the surgeon, when ordering extra diet to any prisoner, should not only record the fact, but should in writing specify the medical grounds upon which the alteration is made.

7. It is desirable, for the sake of uniformity, that the respective dietaries of male and female prisoners should be adjusted by a fixed rule and proportion, and that boys under 15 years of age should be classed, for the purposes of diet, with the female prisoners.

IX. 1. The efficiency of every prison will depend not only upon its general system, but also upon its subordinate regulations. It is mainly for the local authorities to determine what these shall be; but there are some of so much importance, that it would be desirable to embody them in some future Act. Prison details.

2. The Committee recommend, that, during short sentences or the earlier stages of a long confinement, the prisoners should be made to dispense with the use of a mattress, and should sleep upon planks. This is, in fact, the practice in the military prisons, where "guard-beds" are in use.* No evil has resulted from this practice, and recourse might advantageously be had to it in civil prisons.

3. They observe that 9½ to 10 hours is the proportion of time usually devoted to sleep.† They are of opinion that this exceeds the fair allowance due to health, and is injurious both to the prisoners and the prison discipline. They would (in conformity with the Resolutions of the Committee of the House of Commons in 1850) strongly insist upon a limitation of the time, during which the prisoners are allowed to be in bed, to eight hours.

4. They are of opinion that in order to avoid interference with the discipline of the prison that all school instruction should be given at a fixed time, and to a fixed proportion of the prisoners in succession. It does not seem necessary to amend the Act of Parliament which gives a discretion to the chaplain to call for any prisoner at any hour for this purpose; but it is clearly desirable that the chaplain and governor, subject to the control of the visiting justices, should come to a fixed arrangement on this subject. The evening appears to the Committee to be a very suitable time for school instruction, both as following upon the hard labour of the day, and as providing occupation for a portion of the time which is now passed in sleep. But they consider school as a boon granted to the prisoner, which should under no circumstances become a substitute for labour. They regard as extremely unsatisfactory a prison system in which instruction by the schoolmaster, or "self-instruction," is made the substance of penal discipline. 194. 254.

5. To give further effect to the above provisions as regards sleep, instruction and reading, as well as from the great importance of the change in itself, the Committee recommend that all cells should at the earliest practicable time be lighted.

6. It appears that by the 4 Geo. 4, c. 64, s. 30, it is obligatory upon the chaplain to perform both services on the Sunday, Christmas-day, and Good Friday between the hours of nine and five. This rule is said to be occasionally productive of inconvenience, and such an alteration ought to be made in the law as 4305, 4306.

* *See* Rules and Regulations for Military Prisons. April 1863. Section 170.

† In some cases even this proportion is largely exceeded.

as will permit the performance of evening service on those days after the hour of five in the afternoon.

7. The Committee, whilst they believe that the judicious distribution of books to the prisoners may often be productive of much advantage, would suggest the importance of preventing any over-issue. It would further, in their opinion, be 4310. desirable to modify the 2 & 3 Vict. c. 56, s. 6—which provides that all books admitted into the prison shall be chosen by the chaplain for the use of prisoners belonging to the Church of England and by the visiting justices for the other prisoners—so far as to give the visiting justices a joint discretion and responsibility in the selection and issue of all books.*

8. They consider that all convicted prisoners should be clothed in a prison dress, and that the amount of clothes allowed, as also of the prison bedding, should be sufficient, but moderate.

Reformatory Influences.

X. 1. The possible reformation of offenders is an object which successive Committees of both Houses have had in view. The House of Lords Committees of 1835 and 1847 both refer to it; the House of Commons Committee of 1850 recognises its importance in marked terms. The Committee fully admits that it forms a necessary part of a sound penal system, but they are satisfied that, in the interests of society and of the criminal himself, it is essential that the other means employed for the reformation of offenders should always be accompanied by due and effective punishment. Sir W. Crofton, indeed, whose experience on this subject entitles him to much consideration, does not hesitate to go so far as to say that moral reformation of character is greatly assisted by a preliminary course of stringent punishment.†

They also believe that the inefficiency of the present system of administering the law in ordinary prisons is shown in the large proportion of prisoners who, after undergoing a period of confinement, are again committed to prison under fresh sentences. The relapse of such prisoners is partly due to the difficulty which any one of tainted character has in finding employment.

In this view, the question of rendering assistance to prisoners on discharge, as a preventive measure calculated to reduce the rate of re-convictions, appears to the Committee to be deserving of serious consideration.

2. The Committee, whilst they are compelled to admit that the reformation of individual character by any known process of prison discipline is frequently doubtful, believe that the majority of prisoners are, within certain limits, open to the influences of encouragement and reward. They therefore attach importance to the establishment, in every prison, of various gradations, which shall rise from the penal and disciplinary labour of the treadwheel, crank, or shot drill, into the higher and less irksome stages of industrial occupation and prison employments.

4310. * *A.* "I think a revision of the statute is desirable upon that point. The 2d and 3d of Victoria, chapter 56, section 6, rule 8, says: 'No books or printed papers shall be admitted into any prison but those which shall be chosen by the chaplain for the use of prisoners belonging to the Established Church, and by the visiting justices for the use of the other prisoners.' There is an appeal to the Bishop in case of difference of opinion. I think that equal power should be given to the visiting justices to select books to be read by the prisoners.

4311. *Q.* "On what ground?

A. "I have seen a novel in a prisoner's cell before now."

3183. † *Q.* "Your view would be, that, having regard to the requirements of prison discipline, and the ultimate reformation of the prisoner, the penal element, whether it be by the treadwheel or by the crank, ought to form a constituent part of that system?

A. "I am quite satisfied about that, and more now than ever, because nine years since we established reformatory schools at a great cost of money and time: and I think that when we do so much to prevent crime, and to train those youths up, so that they shall not pursue criminal avocations, we are bound, on the other hand, to be more stringent in the punishment of those who still pursue a course of crime in spite of what we have done for them; and I am quite satisfied that the managers of reformatory schools would consider their hands to be strengthened by the prisoner knowing that pursuing a course of crime would lead to really stringent punishment, and other procedure externally, which I shall, I hope, point out presently.

3184. *Q.* "It has been given in evidence before this Committee by some of the witnesses, that, in their opinion, the effect of the treadwheel and the crank is to create a sense of degradation in the mind of the prisoner; is that your opinion?

A. "I have no doubt it may do so; but, combined with other industrial pursuits, I think it might be counteracted. I believe that the penal element is so necessary that the feeling of degradation I must place on one side altogether in my mind."

mployments. And with that view they would make the entire system strictly progressive throughout its several stages.

3. They are further disposed to recommend the adoption of some system, such as that of marks, by which the progress of any prisoner can be recorded, and his promotion to a higher class accelerated within certain moderate limits.

But it would be undesirable, as indeed it would in practice lead to great inconvenience, to apply this modification of the ordinary discipline of the prison to offenders undergoing short sentences or the earlier stages of confinement. It might safely be attempted after the first three months; but under no circumstances should such promotion be allowed without actual work performed—concurrently, of course, with personal good conduct.

It should also be clearly understood that any relapse will be visited not only with forfeiture of the privileges gained, and a return to the more penal classes, but that it will be necessary for the prisoner, by renewed exertion, to work his way upwards through the different steps by which he has been put back.

Prison Punishments.

XI. Punishments for offences committed in prison form so important a part of prison discipline, that, under any system, they cannot be overlooked. The Committee believe that in many cases misconduct is best punished by degradation from a higher to a lower and more penal class, combined with harder labour and a more sparing diet; in others, by the ordinary penalty of reduction of food, or by solitary confinement in dark cells—if separated by a sufficient distance from each other, and from the other parts of the prison—but that where the offender is hardened, and the offence deliberately repeated, corporal punishment is the most effective, and sometimes the only remedy. The most experienced witnesses are unanimous as to the wholesome influence of corporal punishment; some, indeed, have stated, that they have never known it ineffective; and the Committee wish to record their opinion of its great value as one form of disciplinary correction.

Inspection of Prisons.

XII. 1. The system of prison inspection arose out of the recommendations of the House of Lords Committee of 1835, and it will be seen, on a reference to the Resolution of that Committee, as well as to the general course of evidence then taken, that in advising the appointment of official inspectors, it was their object to secure a general uniformity of discipline.

2. But the great and irreconcileable differences of treatment and system now prevailing, to which attention has already been called, sufficiently show that this object has not been attained.

3. Changes have also taken place in the number of, and the work performed by, the inspectors. The original number was five. This has been gradually reduced to two, who now divide between themselves the whole of England, Wales, Scotland, the Isle of Skye, the Orkneys, and the Shetlands. On the other hand, the amount of inspection given to the different prisons appears to be less than it was originally intended to be, and than is in itself desirable. The 5 & 6 Will. 4, c. 38, s. 7, obviously contemplates the inspection of every prison at least once in the course of the year; but it appears by the evidence that in many cases prisons are visited by the inspector only once in the course of 18 months, and that such visits average in duration from about two to four hours.

4. It further appears that it is not customary, either at the time or after the inspection of the prison, for the inspector to hold communication with the visiting justices, or even to leave any written record of his visit in the gaol,* nor does their official report come under the cognizance of the magistrates in quarter sessions. 1906. 20.

5. The

* There is some slight variation as between Mr. Perry and Mr. Voules. Mr. Perry, in answer to the question, "As an ordinary rule, you do not hold communication with the visiting justices, do you?" replies, "We ought not to do so according to our instructions; all our communications ought to be made through the Secretary of State. As it was expressed to me when I was appointed, we represent the eyes and ears of the Secretary of State, but not his tongue or voice." 18.

On the other hand, Mr. Voules takes a somewhat different view of his duties, as shown in the following examination:—

Q. "Is it your practice to hold any communication with the visiting justices?—*A.* I invariably communicate with them if I see any cause for doing so. My practice has been perhaps different 1907.

5. The Committee have had the benefit of Mr. Everest's experience as regards the course pursued at the Home Office, and on a general review of his, Mr. Perry's
76. and Mr. Voule's evidence, they cannot resist the conclusion, that for years past the inspection of prisons has thus been reduced in most cases to a mere formality, both as regards the supervision itself and the subsequent use made of that supervision by the Secretary of State and the local authorities in counties and boroughs.

6. Under these circumstances, the Committee are of opinion that every prison should be inspected at least once in the course of the year, that the duration of such visit should be recorded, and that, in the event of any omission to visit such prison, the inspector should in his report state the fact and the reasons; that the reports, when laid before the Secretary of State, should be forwarded by him at the earliest practicable moment to the Quarter Sessions in every county, and the Town Council in every borough—such report to be addressed through the Clerk of the Peace in counties, and the Town Clerk in boroughs.

7. The Committee give full credit to both the inspectors for their wish to improve the general condition of the gaols placed under their supervision; but they feel bound to express their dissent from many of the ruling principles of prison discipline, which they, and especially Mr. Perry, have laid down. They do not consider that the moral reformation of the offender holds the primary place in the prison system; that mere industrial employment without wages is a sufficient punishment for many crimes; that punishment in itself is morally prejudicial to the criminal and useless to society, or that it is desirable to abolish both the crank and treadwheel as soon as possible.

695.

Prison Regulations and Functions of the Secretary of State.

XIII.—1. It is obvious that to secure an efficient discipline, every gaol must have a definite code of rules under which it is governed. It is indeed clear that this was the intention of the Legislature. The 5 & 6 Will. 4 contemplates the existence of certain regulations in every prison, and with that view, a code of rules has been issued by the Secretary of State for the information and adoption
32–82. of the local authorities.

But as their acceptance is left to the discretion of the local authorities, a comparatively small number of gaols in England and Wales have adopted the rules as framed by the Secretary of State. In some prisons neither the rules as laid down by the Secretary of State, nor any other rules framed by the governing body, and approved by him, are in existence; and in the remaining gaols the regulations vary indefinitely according to the views of the governing body.

It is indeed quite true, that it is within the competency of the Secretary of State, under 5 & 6 Will. 4, c. 38, s. 6, on default of the framing of the regulations by the local authorities, to certify such rules as he shall deem necessary for the government of any prison which shall then become binding. It appears, however, that this power has never been exercised by the Secretary of State.

2315. 2. The Committee are of opinion that such rules for gaols as may be thought advisable should be embodied as a schedule in an Act of Parliament, and that the Treasury allowance should be withheld from all gaols where those rules are not in force.

XIV.—1. The

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from some other inspectors, inasmuch as I have generally conferred with the visiting justices, instead of making a report direct to the Home Office, although I believe that in doing so I am not acting in strict accordance with the directions to the inspectors; but I have found that I get more done by doing so than by simply making an official report."

* * * * * * *

1909. *Q.* "Have you found that your communications with the visiting justices have led in general to the correction of any evil or abuse which you have pointed out, or to any change which you have thought desirable?—*A.* When I have communicated directly with the visiting justices, I have found generally that they are very much disposed to carry out any improvement that I have suggested; that is more especially the case in the counties. In the borough gaols it is different, because the magistrates there have not the same power. The town council alone controlling the purse-strings, the magistrates cannot make any order which would render an outlay of money necessary.

1910. *Q.* "Are your communications with the visiting justices in general verbal or written?—*A.* Our communications are generally verbal. They sometimes ask me to put the matter in writing, in order that they may lay it before their colleagues; but I seldom meet a visiting justice in a gaol, unless I write beforehand to him; therefore, there must necessarily be written communications."

XIV.—1. The Committee have examined the governors of several of the minor gaols, who have given their evidence with great frankness, and have fully admitted the difficulties and inconveniences which arise in their management. This evidence is strongly corroborated by the inspectors and other witnesses; and the Committee, though obviously unable to inquire into each individual case, feel satisfied that a large proportion of the smaller borough prisons are deficient in proper accommodation and in the means of safe custody, and are distinguished neither by efficiency of administration nor by economy of expenditure. Borough and Liberty Prisons.

Many of these minor prisons are little in use, for it appears by the judicial statistics of 1862, that out of 193 prisons in England and Wales, there were 63 which, during the entire year, gave admittance to less than 25 prisoners; and that of these there were 22 prisons which received between 11 and 25 prisoners; 14 prisons which received less than 11, and more than six; and 27 prisons which received less than six prisoners, or in some instances were absolutely tenantless.

2. Some of these gaols, such as that of Falmouth, have repeatedly been condemned in the inspectors' reports as altogether unfit for the custody and penal discipline of prisoners, and it would almost seem that the inspector in such cases has given up the fruitless duty of making his inspection, and republishing his annual censure. There is frequently an unrestrained association of untried with convicted, juvenile with adult prisoners, vagrants, misdemeanants, felons; dormitories wholly without light or control or regulation exist, and in one case the governor admits that, in the event of a disturbance at night amongst the prisoners, the warder on duty would not be allowed to enter the room, for fear of an assault being made upon him; occasionally two and more prisoners have been allowed to sleep in the same bed. In one instance the beds themselves have been removed, lest the prisoners should break them up and make use of the fragments, whilst in another gaol the beds form so large an element of the life of the prisoners, that no less than 15 hours out of the 24 are allowed to be given to sleep. It appears that in several places the building itself is out of repair, or is overlooked by adjoining houses; that sometimes one man alone is in charge of the gaol, and responsible for its security; that, in one case, so little facility is there for carrying on the ordinary administration of the establishment, that the prisoners' food is supplied daily from the neighbouring inn, and the innkeeper's bill constitutes the only accounts which are kept; that there are times of complete idleness, when neither penal labour nor light employment is given, and that amongst many other abuses communications of a contaminating and injurious tendency take place between the prisoners. 114. 4624. 114. 119. 186. 115. 299. 301.

3. In reviewing this unsatisfactory and discreditable condition of many of the minor borough gaols, the Committee cannot conceal from themselves that it is in a great measure due to a disinclination on the part of the town councils or governing bodies to provide the necessary means for the proper administration of the prison. In one instance, where the visiting justices of the borough as a measure of common prudence, appointed a warder to assist the governor, who is the only functionary in the gaol, the Town Council have declined to confirm this order, and the warder remains unpaid.

In the same prison no chaplain has been appointed, although the 2 & 3 Vict. c. 56, s. 15, makes this obligatory upon the authorities of every gaol. 5224.

4. Under these circumstances, the Committee are of opinion that an amalgamation of such small gaols with the larger prisons is highly desirable and even necessary, in order to secure greater economy and efficiency of administration. Powers indeed both of amalgamation and of contracting for the keep and maintenance of prisoners exist under the 16 & 17 Vict. cap. 43, and the latter course has been occasionally adopted; but little advantage has been taken of the former. Such being the case, the Committee recommend that further powers should be conferred upon the Secretary of State to require the corporation of any borough, or the governing body of any borough gaol—where such gaol is of too limited a size to admit of satisfactory arrangements being made for the custody and discipline of the prisoners—to contract with the county gaol upon such terms as the Secretary of State shall approve. It will be desirable after due inquiry into the local and special circumstances, that those borough gaols which are not required for purposes of present or future utility, should be scheduled in a Bill for entire abolition.

The same principle of amalgamation might also be perhaps beneficially adopted in some of the small county gaols.

The majority of liberty prisons were recently abolished, and there are few now existing; but their superiority over the small borough prisons is very questionable, and after due examination into each individual case, the course of proceeding which is indicated above, might be advantageously taken.

5. A consolidation of the various statutes, and parts of statutes, relating to the discipline and regulation of county and borough prisons, is desirable at the earliest practicable time.

Identification of previously convicted Prisoners.

XV.—1. Although the proof of former convictions is not one which is directly involved in the question of prison discipline, the attention of the Committee has so frequently during the course of examination been drawn to the great public inconvenience, which is felt from the difficulty in identifying a previously convicted prisoner, that they cannot close their report without indicating, both the extent of the evil and the suggestion of a remedy. The Committee are satisfied that it is of the greatest importance that those offenders who are commencing a course of crime should be made aware that each repetition of it, duly recorded and proved, will involve a material increase of punishment, pain, and inconvenience to them.

Sir W. Crofton states, with great clearness, the prejudicial effect which the difficulty of identifying previously convicted prisoners has had in Ireland, and he has indicated photography as a simple means by which it has been in a great measure obviated:*

2. The

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* "I believe," he says, "that at the present time the want of records and knowledge of the antecedents of the prisoners who come to the county and borough prisons leads to the large number of old offenders and old convicts who are now under detention in those prisons—to the detriment of the discipline of the establishment, to the cost of the county rate, and, worse than all, to the encouragement of crime, because in every gaol there are novices and tyros in crime; and we find old convicts, who have probably been under sentence of penal servitude for a long period, who have been living for many years in crime, suddenly for a month or six weeks' imprisonment, side by side with a young hand who is just commencing a criminal career; and the effect upon the mind of the person who has just commenced a career of crime, of knowing that such immunity exists for a criminal, must be very fatal to what we want, which is the reduction of crime throughout the country. I should therefore wish to see some arrangements and appliances instituted which would serve in some measure, as far as possible, to check such a state of things. I believe that if the criminal classes knew, and those who are commencing crime knew, and those who are in reformatory schools knew, that the end of a criminal career must be a long sentence of penal servitude, terminating with a civil disability in the shape of supervision, because the man would then have proved himself to belong to the criminal classes, I believe that the effect of that knowledge operating upon the mind of those people, would do more to reduce crime than any stringent proceeding that we could adopt inside our prisons. And one arrangement for that purpose (it may appear a trifling one, but it is a very efficient one, I can say after many years' experience) is the institution of photography. I believe that if every man were photographed when he came to prison the first time, and on the second conviction if that photograph were sent to the head of the police, it would have a very great deterrent effect with regard to crime on the minds of those prisoners. In Ireland for many years we have been carrying out this plan, and I have brought a sample with me. We have a photograph taken of every man who comes into the prison, and by a contract which we have entered into we have three of them for 1 *s.*, and after the third for 4*d.* each; you can have as many as you please to send round. This (*producing a photograph*) is the result of that expense. I can assure the Committee that the effect of the knowledge of that on the minds of those people can scarcely be exaggerated. Many people will say that a man may make faces, and disguise himself while he is being photographed; that is quite true. I found for the first fortnight that there was nothing else but contortions on the part of the prisoners to evade this practice; but after a fortnight there were no faces made, and they all submitted to it. I am quite satisfied it has a very great effect upon them, because the police then know them all, and can trace them by this means; and that system, coupled with other procedure, will, I am satisfied, have more effect in reducing crime than anything I know of, because it will lead at once to a man being suspected, and in many cases they would know him at once when they see that photograph sent, without any further trouble about identification. We have an arrangement in Ireland in all the county prisons which works extremely well; whenever they have any offender whom they either suspect or know to be a convict, they send to the Directors' office the particulars of the person of the man who is sent for trial in this form, which I will hand to the
3246. Committee, which description is sent to every county gaol in Ireland."

* * * *

"The case before your Lordships illustrates my view. A man for picking pockets would probably, under ordinary circumstances, have had a very short period of imprisonment in the County Prison, but his antecedents being thoroughly known as they were was the cause of his having 20 years' penal servitude.

3247. *Q.* "I understand that this system of photographing is applied in Ireland only to the case of penal servitude men?—In some county gaols in Ireland, they have adopted it in other cases; but I have

2. The Governors of Bristol, Wakefield and Leeds Gaols, corroborate the advantage of the use of photography,* and the Committee strongly recommend the further extension of this system, which is inexpensive, effective, and wholly free from objection.

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been referring to the case of penal servitude men. I would carry it further, and use it for men under short sentences, and use it with the police when a man comes a second time back to prison.

Q. "There could be no possible difficulty in applying it to persons in confinement in county prisons?—None whatever; it would be the greatest possible advantage. I could mention two other cases illustrating the same thing; and the extent to which it has enabled county gaols to be cleared of old offenders who have been convicts has been very great." 3248.

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Q. "Would there be any difficulty in extending that system, and in having a thorough communication between county prison and country prison?—There would be no objection to it whatever; it would be quite as easy as from the Directors' Office." 3250.

* *See* Mr. Gardner's evidence (3583). "I introduced some years ago (indeed I was the first who introduced them) the daguerreotype portraits of the prisoners, and, from having succeeded in one or two cases, we introduced it more freely; we now take a large number of portraits, and I think it would be very difficult for a man to escape detection in our gaol. I take a stereoscopic picture instead of a plain portrait, and I request the parties to whom I send it to put it into the stereoscope; they have a better opportunity of seeing the man before them standing out in relief.

Q. "Do you take a portrait of every prisoner who is committed to your gaol?—We do not. I do it myself; and I have no time to take so many. We merely take portraits of those whom we do not know. Railway thieves, and strangers to the city, who are taken up for picking pockets at the railway stations and in railway carriages. 3584.

Q. "Have you found the practical advantages of that system?—Yes, I have found out a great many by that means. On one occasion I recollect an officer of mine being offered a large sum of money by the wife of a prisoner to release him. He was offered 100 *l.* This was reported to me; and I thought that as the man had only three months more to serve, he certainly must be wanting somewhere else. I took his portrait directly, and sent it round to perhaps 40 or 50 different gaols, and he was recognised at last at Dover. I had an order from the Secretary of State to remove him, instead of discharging him. I removed him on a Friday, and on the following Friday he was sentenced to 15 years' transportation, for highway robbery." 3585.

ORDER OF REFERENCE.

Die Veneris, 20° *Februarii*, 1863.

Select Committee appointed to consider and report on the present State of Discipline in Gaols and Houses of Correction.

The Lords following were named of the Committee: The Committee to meet on Tuesday next, at Four o'clock, and to appoint their own Chairman.

Lord President.
Duke of Richmond.
Duke of Marlborough.
Marquess of Salisbury.
Lord Steward.
Earl of Carnarvon.
Earl of Malmesbury.
Earl of Romney.
Earl Cathcart.
Earl of Ducie.
Earl of Dudley.
Viscount Eversley.
Lord Wodehouse.
Lord Wensleydale.
Lord Lyveden.

Die Jovis, 12° *Martii*, 1863.

The Evidence taken before the Select Committee from time to time, to be printed for the use of the Members of this House; but no Copies thereof to be delivered, except to the Members of the Committee, until further Order.

LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT THE SITTING OF THE COMMITTEE.

Die Martis, 24° *Februarii*, 1863.

LORDS PRESENT:

Lord President.	Earl Cathcart.
Duke of Marlborough.	Earl of Ducie.
Marquess of Salisbury.	Earl of Dudley.
Lord Steward.	Viscount Eversley.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Malmesbury.	

Order of Reference read.

Order of the House of the 20th February, empowering the Committee to name their own Chairman, read.

It is proposed that the Earl of *Carnarvon* do take the Chair; the same is agreed to, and the Earl of Carnarvon takes the Chair accordingly.

The course of Proceeding is considered.

Ordered, That the Committee be adjourned to Tuesday next, at One o'clock.

Die Martis, 3° *Martii*, 1863.

LORDS PRESENT:

Lord President.	Earl Cathcart.
Duke of Marlborough.	Earl of Ducie.
Marquess of Salisbury.	Earl of Dudley.
Lord Steward.	Viscount Eversley.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Malmesbury.	Lord Lyveden.
Earl of Romney.	

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

John George Perry, Esq., Inspector of Prisons in the Southern District, is called in, and examined. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Thursday next, at One o'clock.

Die Jovis, 5° Martii, 1863.

LORDS PRESENT:

Duke of Marlborough.	Earl Cathcart.
Marquess of Salisbury.	Earl of Ducie.
Lord Steward.	Earl of Dudley.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Malmesbury.	Lord Lyveden.
Earl of Romney.	

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last read.

John George Perry, Esq., Inspector of Prisons, is again called in, and further examined. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Monday next, at One o'clock.

Die Lunæ, 9° Martii, 1863.

LORDS PRESENT:

Lord President.	Earl of Romney.
Duke of Marlborough.	Earl Cathcart.
Marquess of Salisbury.	Earl of Ducie.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Malmesbury.	

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Thursday last are read.

Edward Smith, Esq., M. D., is called in, and examined. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Thursday next, at One o'clock.

Die Jovis, 12° Martii, 1863.

LORDS PRESENT:

Duke of Richmond.	Earl Cathcart.
Duke of Marlborough.	Earl of Ducie.
Marquess of Salisbury.	Viscount Eversley.
Lord Steward.	Lord Wodehouse.
Earl of Carnarvon.	Lord Lyveden.
Earl of Romney.	

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Monday last are read.

Major-General Sir *Joshua Jebb,* K. C. B., Surveyor-General of Prisons, is called in, and examined. (*Vide* the Evidence.)

John George Perry, Esq., Inspector of Prisons, is again called in, and further examined. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Tuesday next, at One o'clock.

Die Martis, 17° *Martii*, 1863.

LORDS PRESENT:

Lord President.	Earl Cathcart.
Marquess of Salisbury.	Earl of Ducie.
Lord Steward.	Earl of Dudley.
Earl of Carnarvon.	Viscount Eversley.
Earl of Malmesbury.	Lord Wodehouse.
Earl of Romney.	

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Thursday last are read.

The following Witnesses are called in, and examined; viz., Major *William Fulford*, R.A., Governor of the Stafford County Gaol, and *William Musson*, Esq., Governor of the Leicester County Gaol. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Tuesday next, at One o'clock.

Die Martis, 24 *Martii*, 1863.

LORDS PRESENT:

Duke of Marlborough.	Earl Cathcart.
Marquess of Salisbury.	Earl of Ducie.
Lord Steward.	Viscount Eversley.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Malmesbury.	Lord Lyveden.
Earl of Romney.	

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

Albert Poulton Voules, Esq., Inspector of Prisons in the Northern District, is called in, and examined. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Thursday next, at One o'clock.

Die Jovis, 26° *Martii*, 1863.

LORDS PRESENT:

Duke of Marlborough.	Earl Cathcart.
Marquess of Salisbury.	Earl of Ducie.
Lord Steward.	Earl of Dudley.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Malmesbury.	Lord Lyveden.
Earl of Romney.	

Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are called in, and examined; viz., *G. Everest*, Esq., and Captain *Charles Maxwell Luckraft*, R.N., Governor of the Naval Prison at Lewes. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Thursday, the 16th of April next.

Die Jovis, 16° *Aprilis*, 1863.

LORDS PRESENT:

Lord President.	Earl of Dudley.
Marquess of Salisbury.	Viscount Eversley.
Lord Steward.	Lord Wodehouse.
Earl of Malmesbury.	Lord Wensleydale.
Earl of Romney.	Lord Lyveden.
Earl Cathcart.	

In the absence of the Earl of *Carnarvon*, it is proposed that the Marquess of *Salisbury* do take the Chair.

The same is agreed to, and the Marquess of *Salisbury* takes the Chair accordingly.

Order of adjournment read.

The Proceedings of the Committee of Thursday, the 26th of March last, are read.

The following Witnesses are called in, and examined; viz., *William Merry*, Esq., and *Edward Shepherd*, Esq. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Tuesday next, at One o'clock.

Die Martis, 21° *Aprilis*, 1863.

LORDS PRESENT:

Duke of Richmond.	Earl Cathcart.
Duke of Marlborough.	Earl of Ducie.
Marquess of Salisbury.	Earl of Dudley.
Lord Steward.	Lord Wensleydale.
Earl of Carnarvon.	Lord Lyveden.
Earl of Romney.	

The Earl of CARNARVON in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Thursday last are read.

Edward Shepherd, Esq., is again called in, and further examined. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Thursday next, at Twelve o'clock.

Die Jovis, 23° *Martii*, 1863.

LORDS PRESENT:

Duke of Richmond.	Earl of Ducie.
Lord Steward.	Earl of Dudley.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Romney.	Lord Wensleydale.
Earl Cathcart.	Lord Lyveden.

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

Sir *Walter Crofton* is called in, and examined. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to To-morrow, at One o'clock.

Die Veneris, 24° *Aprilis*, 1863.

LORDS PRESENT:

Duke of Richmond.	Earl of Romney.
Marquess of Salisbury.	Earl of Ducie.
Lord Steward.	Earl of Dudley.
Earl of Carnarvon.	Lord Wensleydale.

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of yesterday are read.

The following Witnesses are called in, and examined; viz. *William Oakley*, Esq., Governor of the Taunton Gaol; *William Golden Lumley*, Esq.; and *James Anthony Gardner*, Esq., Governor of the Bristol Gaol. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Tuesday next, at One o'clock.

Die Martis, 28° *Aprilis*, 1863.

LORDS PRESENT:

Duke of Richmond.	Earl of Dudley.
Lord Steward.	Viscount Eversley.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Romney.	Lord Wensleydale.
Earl of Ducie.	Lord Lyveden.

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Friday last are read.

The following Witnesses are called in, and examined; viz. *William Augustus Guy*, Esq., M.D., and *George Pinson*, Esq., Governor of Norwich Castle. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Thursday next, at One o'clock.

Die Jovis, 30° *Aprilis*, 1863.

LORDS PRESENT:

Duke of Richmond.	Earl Cathcart.
Duke of Marlborough.	Earl of Ducie.
Marquess of Salisbury.	Earl of Dudley.
Earl of St. Germans.	Viscount Eversley.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Romney.	Lord Wensleydale.

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

William Linton, Esq., Governor of the Petworth Gaol, is called in, and examined. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Saturday next, at half-past Eleven o'clock.

Die Sabbati, 2° *Maii*, 1863.

LORDS PRESENT:

Marquess of Salisbury.	Earl Cathcart.
Earl of Carnarvon.	Earl of Dudley.
Earl of Romney.	Viscount Eversley.

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Thursday last are read.

The following Witnesses are called in, and examined; viz. Major *C. W. Bannister*, Governor of the Maidstone Gaol, and Mr. *Charles Augustus Keene*, Governor of the Leeds Gaol. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Tuesday next, at One o'clock.

Die Martis, 5° *Maii*, 1863.

LORDS PRESENT:

Marquess of Salisbury.	Earl of Dudley.
Lord Steward.	Viscount Eversley.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Romney.	Lord Wensleydale.
Earl Cathcart.	Lord Lyveden.

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Saturday last are read.

The following Witnesses are called in, and examined; viz., Mr. *John Deayton*, governor of the St. Alban's Liberty Gaol; Mr. *George Whitehall*, Governor of the Poole Borough Gaol; Mr. *Joseph Constance*, Governor of the New Radnor Borough Gaol. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Thursday next, at One o'clock.

Die Jovis, 7° *Maii*, 1863.

LORDS PRESENT:

Lord Steward.	Earl of Dudley.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Romney.	Lord Wensleydale.
Earl Cathcart.	Lord Lyveden.
Earl of Ducie.	

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last, are read.

The following Witnesses are called in, and examined; viz., Colonel *Thomas Harpur Colville*, Governor of Coldbath Fields Prison; Mr. *William Griffiths*, Governor of the Worcester Borough Gaol; Mr. *George Julyan*, Governor of the Falmouth Borough Gaol; and *William Augustus Guy*, M.D., is again called in, and further examined. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Thursday next.

Die Jovis, 14° *Maii*, 1863.

LORDS PRESENT:

Lord President.	Earl Cathcart.
Duke of Richmond.	Earl of Ducie.
Marquess of Salisbury.	Earl of Dudley.
Lord Steward.	Viscount Eversley.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Romney.	Lord Wensleydale.
	Lord Lyveden.

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Thursday last are read.

Heads for a Draft Report are laid before the Committee by the Chairman.

The same are read, and considered.

Ordered, That the Committee be adjourned to Friday, the 19th of June next.

Die Veneris, 19° *Junii*, 1863.

LORDS PRESENT:

Lord President.	Earl of Ducie.
Duke of Richmond.	Viscount Eversley.
Marquess of Salisbury.	Lord Wodehouse.
Lord Steward.	Lord Wensleydale.
Earl of Carnarvon.	Lord Lyveden.
Earl of Malmesbury.	

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of the 14th of May last are read.

A Draft Report is laid before the Committee by the Chairman.

The same is read, and several amendments are made therein.

Ordered, That the Committee be adjourned to Tuesday next.

Die Martis, 23° *Junii*, 1863.

LORDS PRESENT:

Duke of Richmond.	Earl of Ducie.
Marquess of Salisbury.	Viscount Eversley.
Lord Steward.	Lord Wodehouse.
Earl of Carnarvon.	Lord Lyveden.

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The proceedings of the Committee of Friday last are read.

The Draft Report is again considered, and further amendments are made therein.

Ordered, That the Committee be adjourned till Friday next, at Twelve o'clock.

Die Veneris, 26° Junii, 1863.

LORDS PRESENT:

Duke of Richmond.	Earl of Ducie.
Duke of Marlborough.	Viscount Eversley.
Marquess of Salisbury.	Lord Wodehouse.
Lord Steward.	Lord Wensleydale
Earl of Carnarvon.	Lord Lyveden.

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The Draft Report is again considered, and further amendments are made therein.

It is moved by the Lord *Wensleydale* that the further consideration of the Report be postponed, and that further evidence be taken with a view to the framing of a scale of diet to be made uniform in all prisons,

Objected to; and, on question, resolved in the negative.

The following paragraph of the Draft Report (VIII. 3), is then read, and is as follows, viz:—

"The dietary of county and borough prisons is very unsatisfactory, from the total absence of uniformity, and the irreconcileable inequalities in the nature and the amount of "food given, whilst the dietary framed and recommended by the Secretary of State, and "adopted in many prisons, though frequently with local modifications, is not sufficiently "based upon scientific and medical principles to be taken as a satisfactory guide. In the "opinion of witnesses who, from knowledge and experience, are entitled to every con-"sideration, a scale of food is laid down in Classes IV. and V. which is beyond the "reasonable requirements of health."

It is proposed by the Lord *Wodehouse* to leave out from "guide," in line 5 of the paragraph, to the end of the paragraph, and to substitute the following words in lieu thereof, viz.:—

"The Committee would draw special attention to the valuable evidence of Dr. Smith "and Dr. Guy, and to the four scales of diet subjoined, but they are not prepared on their "own responsibility to frame a new prison dietary. It appears to the Committee that "there are many questions as to the effect produced upon health by imprisonment, and "the necessity of certain ingredients in prison food, which require further investigation "before a uniform dietary can be safely framed for all prisons in England and Wales; and "they therefore recommend that a Commission be issued to inquire into the whole subject "of prison diet."

Objected to.

On Question, that the words proposed to be left out stand part of the paragraph:

Contents.	Not Contents.
Duke of Marlborough.	Duke of Richmond.
Marquess of Salisbury.	Lord Steward.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Ducie.	Lord Lyveden.
Viscount Eversley.	
Lord Wensleydale.	

The following paragraph of the Draft Report (VIII. 4), is then read, and is as follows; viz.:—

"But whilst these classes are probably in excess of the due amount of food, it would "seem that the Classes below them, I., II., III., are, in some respects, defective as regards "the quality of the diet; for whilst the Committee have had evidence to show that animal "food need not enter so largely as is at present the case under the Home Office Scale "into the ingredients of prison food, they are not at liberty to doubt that the presence of "a vegetable element, and particularly of potatoes, is indispensable as a preservative "against scurvy, and that the absence of it has been proved by experience to be a very "serious defect. The evidence which has been received tends to show that a vegetable "and farinaceous diet, with the assistance of milk and some slight addition of meat, might "be used by prisoners without risk to health. The experience, indeed, of the military "prisons shows that this is possible for the first 56 days of imprisonment, and the 'Penal "Class Diet' of Millbank, from which the element of meat is excluded, proves that such "a diet may be safely carried on for upwards of a year."

It is proposed by the Duke of *Richmond* to leave out from "defect," in line 8 of the paragraph to the end of the paragraph.

Objected to.

On Question, that the words proposed to be left out, stand part of the paragraph.

Contents.	Not Contents.
Duke of Marlborough.	Duke of Richmond.
Marquess of Salisbury.	Lord Steward.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Ducie.	Lord Lyveden.
Viscount Eversley.	
Lord Wensleydale.	

The following paragraph of the Draft Report is then read, and is as follows; viz.:—

"The Committee have been during the course of the evidence forcibly impressed with "the anomaly, that under the ordinary practice of English gaols, the shorter sentence, "and probably, therefore, the minor offence, is followed by a very severe diet, whilst "the longer sentence, which represents the heavier offence, carries with it an ample if "not an excessive proportion of food. This inconsistency has doubtless originated in a "fear of impairing the health of the prisoner sentenced to long periods of confinement; but "after a careful review of the medical evidence submitted to them, the Committee think "that it is possible to reconcile the double principle of making the food in short sentences "as scanty and uninviting as is consistent with health, and of augmenting that food in pro-"portion to the increase of sentence. They fully admit the justice of Dr. Guy's proposal, "that the diet should increase with the imprisonment in as proportionate and equal a "degree as is practicable: and that in this view there should be some constant elements, "such as bread, subject to which the addition in each such successive stage should be "made; but under all circumstances they would recommend that for the future the diet "should be made progressive, and that all prisoners should commence with the lowest "class."

It is moved by the Duke of *Richmond*, to leave out from the beginning of the paragraph to "this" in l. 5 of the paragraph.

Objected to.

On Question, that the words proposed to be left out stand part of the paragraph.

Contents.	Not Contents.
Duke of Marlborough.	Duke of Richmond.
Earl of Carnarvon.	Marquess of Salisbury.
Earl of Ducie.	Lord Steward.
Lord Wensleydale.	Viscount Eversley.
	Lord Wodehouse.
	Lord Lyveden.

It is then moved by the Chairman that the paragraph, as amended, stand part of the report.

Objected to.

On Question, resolved in the Negative.

The following paragraph of the Draft Report (X. 1.) is then read, and is as follows, viz.:—

"The possible reformation of offenders is an object which successive Commitees of both "Houses have had in view. The House of Lords Committees of 1835 and 1847 both "refer to it; the House of Commons Committee of 1850 recognizes its importance in "marked terms. The Committee fully admits that it forms a necessary part of a sound "penal system; but they are satisfied that in the interests of society and of the criminal "himself, it is essential that the other means employed for the reformation of offenders "should always be accompanied by due and effective punishment. Sir W. Crofton, indeed, "whose experience on this subject entitles him to much consideration, does not hesitate to "go so far as to say that moral reformation of character is greatly assisted by a preliminary "course of stringent punishment."

It is proposed by the Duke of *Richmond*, to leave out from "punishment" in line 7 of the paragraph to the end of the paragraph.

Objected to.

On Question, that the words proposed to be left out stand part of the paragraph.

Contents.	Not Contents.
Marquess of Salisbury.	Duke of Richmond.
Lord Steward.	Lord Wodehouse.
Earl of Carnarvon.	
Viscount Eversley.	
Lord Wensleydale.	
Lord Lyveden.	

The following paragraph of the Draft Report, (X. 3,) is then read, and is as follows:—

"They are further disposed to recommend the adoption of some system such as that of "marks, by which the progress of any prisoner can be recorded, and his promotion to a "higher class accelerated within certain moderate limits."

It is proposed by the Duke of *Richmond* to leave out the words "such as that "of marks," in lines 1 and 2 of the paragraph.

Objected to.

On Question, that the words proposed to be left out stand part of the paragraph.

Contents.	Not Contents.
Marquess of Salisbury.	Duke of Richmond.
Lord Steward.	
Earl of Carnarvon.	
Viscount Eversley.	
Lord Wodehouse.	
Lord Wensleydale.	
Lord Lyveden.	

Ordered, That the Committee be adjourned to Monday the 6th July, at Two o'clock.

Die Lunæ, 6° *Julii*, 1863.

LORDS PRESENT:

Duke of Richmond.	Earl of Romney.
Duke of Marlborough.	Earl of Dudley.
Marquess of Salisbury.	Viscount Eversley.
Lord Steward.	Lord Wodehouse.
Earl of Carnarvon.	Lord Lyveden.

The Earl of CARNARVON in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Friday last are read.

The Draft Report is again considered, and further amendments are made therein.

The following paragraph of the Draft Report (XII. 7) is then read, and is as follows:—

"The Committee give full credit to both the inspectors for their wish to improve the "general condition of the gaols placed under their supervision; but, looking to their "official position, and the natural influence exercised by them, the Committee feel bound, "in conclusion, to express their dissent from many of the ruling principles of prison dis-"cipline, which they, and especially Mr. Perry, have laid down. They do not consider "that the moral reformation of the offender holds the primary place in the prison system; "that mere industrial employment without wages is a sufficient punishment for many "crimes; that punishment in itself is morally prejudicial to the criminal and useless to "society, or that it is desirable to abolish both the crank and treadwheel as soon as "possible."

It is proposed by the Duke of *Marlborough* to leave out the words "looking to the "official position, and the natural influence exercised by them," in lines 2 and 3 of the paragraph.

Objected to.

On Question, that the words proposed to be left out stand part of the paragraph.

Contents.	Not Contents.
Earl of Carnarvon.	Duke of Richmond.
Earl of Romney.	Duke of Marlborough.
Earl of Dudley.	Marquess of Salisbury.
Viscount Eversley.	Lord Steward.
Lord Lyveden.	Lord Wodehouse.

The

The division being equal, resolved in the Negative.

Further Amendments are made in the paragraph, and the same is agreed to.

The following paragraph of the Draft Report is proposed by the Chairman; the same is read, and is as follows;

" It is perhaps doubtful whether any such power would be exercised by a Secretary of " State, if the responsibility of taking action should rest solely with him. The enforce- " ment of rules by his direct authority will be always attended with some difficulty, and " there will probably be less risk of failure if a legislative requirement can be made the " substitute for personal or official responsibility. It will therefore be desirable to embody " as a schedule in any Act of Parliament, by which effect is given to these recommenda- " tions, such rules and regulations as seem desirable.

" If indeed, after this, the conditions of the Act are not complied with, it will become " the duty of the Secretary of State, when he has duly verified the fact, to see that so " much of the Treasury allowance as would be appropriated to any such defaulting prison, " be withheld until the omission is corrected."

Objected to.

On Question, that the paragraph proposed stand part of the Report.

Contents:	Not Contents:
Duke of Marlborough.	Duke of Richmond.
Marquess of Salisbury.	Lord Steward.
Earl of Carnarvon.	Earl of Romney.
Earl of Dudley.	Viscount Eversley.
Lord Lyveden.	Lord Wodehouse.

The division being equal, resolved in the negative.

The following paragraph is then proposed by the Duke of Marlborough:

" The exercise of the powers now conferred upon the Secretary of State for the enforce- " ment of rules by his direct authority will be always attended with some difficulty, and " there will probably be less risk of failure if a legislative requirement can be made the " substitute for personal or official responsibility."

Objected to.

On Question, that the paragraph proposed stand part of the Report.

Contents.	Not Contents.
Duke of Marlborough.	Duke of Richmond.
Earl of Carnarvon.	Marquess of Salisbury.
Earl of Dudley.	Lord Steward.
	Earl of Romney.
	Viscount Eversley.
	Lord Wodehouse.
	Lord Lyveden.

The following paragraph is then proposed by the Lord *Wodehouse*; viz.:—

" The Committee are of opinion that such rules for gaols as may be thought advisable " should be embodied as a schedule in an Act of Parliament, and that the Treasury allow- " ance should be withheld from all gaols where those rules are not in force," (after XIII. 1 of the Draft Report.)

Objected to.

On Question, that the paragraph proposed stand part of the Report:

Contents.	Not Contents.
Duke of Richmond.	Marquess of Salisbury.
Duke of Marlborough.	Earl of Romney.
Lord Steward.	Viscount Eversley.
Earl of Carnarvon.	Lord Lyveden.
Earl of Dudley.	
Lord Wodehouse.	

The following paragraph of the Draft Report (XV. 1.) is then read, and is as follows; viz.:—

" Although this subject is not one which is directly involved in the question of prison " discipline, the attention of the Committee has so frequently during the course of exami- " nation been drawn to the great public inconvenience, which is felt from the difficulty in " identifying a previously convicted prisoner, that they cannot close their report without " indicating, both the extent of the evil and a suggestion of a remedy. The Committee " are satisfied that those offenders who are commencing a course of crime should be made

" aware that each repetition of it, duly recorded and proved, will involve a material " increase of punishment, pain and inconvenience to him.

" Sir W. Crofton states, with great clearness, the prejudicial effect which the difficulty " of identifying previously convicted prisoners has had in Ireland, and he has indicated " photography as a simple remedy by means of which it has been in a great measure " obviated."

It is proposed by the Duke of *Richmond* to leave out from " him," in line 8 of the paragraph, to the end of the paragraph.

Objected to.

On Question, That the words proposed to be left out stand part of the paragraph:

Contents.	Not Contents.
Duke of Marlborough.	Duke of Richmond.
Marquess of Salisbury.	Earl of Romney.
Lord Steward.	Lord Wodehouse.
Earl of Carnarvon.	Lord Lyveden.
Earl of Dudley.	

Amendments are made in the paragraph, and the same is agreed to.

The report is read, with the amendments, and is agreed to. (*Vide* the Report.)

Ordered, That the Lord in the Chair do make the said report to the House.

MINUTES OF EVIDENCE.

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Die Martis, 3° Martii 1863.

LORDS PRESENT:

Lord President.	Earl Cathcart.
Duke of Marlborough.	Earl of Ducie.
Marquess of Salisbury.	Earl of Dudley.
Lord Steward.	Viscount Eversley.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Malmesbury.	Lord Lyveden.
Earl of Romney.	

THE EARL OF CARNARVON, in the Chair.

JOHN GEORGE PERRY, Esquire, is called in, and examined as follows:

1. *Chairman.*] YOU are one of the Inspectors of Prisons, are you not?
I am one of the Inspectors of Prisons, and a Fellow of the College of Surgeons.

2. Formerly there were five inspectors, were there not?
There were.

3. Since that, the number has been reduced considerably?
It has been slowly reduced to the present number of two.

4. You mean since Sir John Kincaid's death?
Yes, that was the last reduction.

5. Will you tell the Committee what the extent of your district is?
My present district comprises Berkshire, Buckinghamshire, Cornwall, Devonshire, Dorsetshire, Essex, Gloucestershire, Hertfordshire, Kent, Middlesex, Monmouthshire, Oxford, Somerset, Hampshire, Surrey, Sussex, and Wiltshire; those comprised my old district; and then an addition which was made last year to my district comprises Bedford, Cambridge, Hereford, Huntingdon, Norfolk, Shropshire, Suffolk, Warwickshire, Worcestershire; 26 English counties; and besides those, my district comprises the 12 counties of Wales.

6. That appears not to be an exact division of England by a line drawn laterally from east to west?
No; the division was made partly with reference to communication by railways.

7. Do the inspectors of prisons adhere rigidly to their districts, or do they ever exchange their districts?
My colleague is strictly confined to his own district; but I hold another appointment, that of Medical Inspector of Prisons, in respect of which I may be called upon to go upon medical questions to any part of England or Wales.

8. Is it a desirable arrangement that each inspector should be confined to his own particular district?
I think it is, because they become better acquainted with the circumstances of the locality, and of the particular prisons, by being so confined.

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9. Might not there be an advantage in their occasionally seeing the prisons of a different district, and bringing to bear upon their system of management perhaps a somewhat different opinion?

It would be quite impossible that the duty could be discharged by two persons if that were the case, because each would have to learn his lesson afresh, and to learn all the circumstances of the prisons, which we, having held office for a great many years, have become gradually acquainted with. If we were suddenly to change districts, it would be quite impossible that we could do the same amount of inspection in the same time.

10. Are you of opinion that it was an improvement to have reduced the number of inspectors, and the number of districts to two?

Perhaps the number is now too far reduced; but the work will become easier after this year.

11. How large a portion of the year does your district occupy in visiting it?

The mere travelling probably occupies about four months; but there is a great deal of work at home arising from references and questions between the Secretary of State and the Visiting Justices, which take up a great deal more time than the visitation of the prisons; besides which, there is the preparation of the reports, which requires a great deal of correspondence, to get statistical information, to get information as to matters which may either have been overlooked, or may not have been perfectly examined at the time of the visit, so that there is a great deal more time taken up now, under the altered arrangements, in consequence of the increased number of prisons, and the increased amount of correspondence. And I ought to mention that the inspectors have no clerk or other assistance, so that all the correspondence and all the reporting rests upon themselves.

12. Are your reports compiled from the notes which you take at the time of each inspection, or are they drawn from information which you obtain subsequently?

Partly the one and partly the other.

13. What are the times of your regular visits?

I make a point of not visiting the same prisons at the same time of the year; in fact, all my arrangements are directed to ensuring that I shall not be expected in my visits; because it would be fruitless, and would be hardly fair to the prison officers themselves, if I were to go at one specific time to each prison, because it might be said that they had prepared everything for my visit.

14. Practically, is it the case that when you do come you are unexpected?

Almost invariably.

15. You give no notice?

I give no notice, except when I go for the purpose of meeting the magistrates, or making some special inquiry, when of course notice is necessary.

16. What is the number of your regular visits to every prison, in the course of the year?

They vary very much; some prisons I have visited as many as 10 times in a year, and others not more than once perhaps in 15 or 18 months; there is no time specified in our instructions, and it would be very inconvenient that any time should be specified, because we should then have to dispose of our time often fruitlessly, instead of bestowing it where we thought we were most required.

17. What are the extraordinary visits dependent upon?

Sometimes upon complaints of prisoners which are referred to the inspectors by the Secretary of State, and then of course it is necessary that the prison authorities should be informed of our intention of visiting, and of the time of our proposed visit, meetings with the magistrates at their request, &c.

18. As an ordinary rule, you do not hold communication with the visiting justices, do you?

We ought not to do so; according to our instructions all our communications ought to be made through the Secretary of State. As it was expressed to me when

when I was appointed, we represent the eyes and ears of the Secretary of State, but not his voice.

19. Would it not be a great advantage if you were to hold personal or written communication with the Visiting Justices, upon whom the whole machinery of prisons rests?
We are always ready to do so at their request, but we are instructed not to make our recommendations for alteration directly to them, until they have received the approval of the Secretary of State.

20. Do you leave any written record of your visit in the prison itself?
No, we do not.

21. And, of course, there is no communication made by you in any shape to the quarter sessions?
Not directly from ourselves.

22. Would it not be a great advantage that there should be some record of your opinion of the circumstances of the gaol, and of the manner in which it is carried on?
I do not think it would, as it would occupy too much time

23. Marquess of *Salisbury*.] Do you not make some short report to the Secretary of State from your notes?
Whenever there is anything special to be reported, we do; we are directed when there is anything requiring immediate attention to make a special report, and those special reports are sent down at once to the magistrates.

24. *Chairman*.] The ordinary reports, I think, are not laid before the quarter sessions, or before any number of magistrates?
The ordinary reports are always sent to the visiting magistrates.

25. By the Secretary of State?
Nominally by the Secretary of State, but really by the Inspector.

26. Duke of *Marlborough*.] Under what Act do you exercise your functions?
Under the Act of the 5 & 6 Will. 4, c. 38.

27. *Chairman*.] Will you state what you conceive to be your powers acting under that statute, and also under the instructions which you receive from the Secretary of State?
To examine all the books and all the salaried officers of the prison, to hear complaints from prisoners, to visit every part of the prison, and to see as far as we can that the rules and regulations of the Secretary of State and the enactments of the law are carried out, and to report any deviation from them to the Secretary of State.

28. It is your duty also, is it not, to certify cells?
Yes, that is another part of our duty, to certify the cells intended for separate confinement under the Act of the second and third of the present Queen, chapter 56.

29. Can you put in a copy of the instructions of the Secretary of State?
I have never received direct instructions, excepting a paper which was published some years after I was appointed, but I have no doubt that I can put that in.

30. Viscount *Eversley*.] Are any rules of the government of prisons sanctioned by the Home Office?
There are, but the law requires that they should be first proposed by the magistrates in quarter sessions, and that they should be sent up by the clerk of the peace, to be certified for the prison by the Secretary of State. In the year 1842 the Secretary of State circulated a copy of regulations for prisons; not intending that they should be binding upon prisons, for he had no power to impose them upon the justices, but as a suggestion to the justices upon which they might form rules of their own, because some of the rules are applicable to one kind of prison and others to another; for instance, some prisons are for debtors only, others for women only, others are mere gaols; others are also houses of correction, others are houses of correction only; so that the rules of the Secretary of State are not exactly adapted to any one prison, but they

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were sent down as a guide to the justices in quarter sessions, and to the visiting justices in drawing up their own regulations, and they were very generally adopted in all prisons.

31. Marquess of *Salisbury*.] At what date was that done?
Somewhere about the year 1842, I think.

32. Earl *Cathcart*.] You mention in your report, do you not, that there are two prisons in your district which have no rules at all?
There must be more than two; there are several, but the magistrates generally act upon the regulations that I have just alluded to, considering that they are really binding upon them; they do not appear to have understood that those regulations when adopted must be sent up for confirmation.

33. Is it a compliance with the Act of Parliament that there should be prisons without any rules at all?
Practically they are under rules, because they act upon those rules; but the Secretary of State has no power to impose rules, but merely to consent to or dissent from the rules which are sent up by the magistrates.

34. Then, in those prisons which have not regular formal rules, are the rules which are sent down by the Secretary of State published, and made known to the prisoners?
They are generally very small prisons, in which I do not suppose that the rules are printed for that purpose, but the prisoners are made aware of the rules under which they are governed.

35. But I presume you do not approve of prisons being without regularly authorised rules?
Certainly not.

36. Earl of *Malmesbury*.] What are the exact limits of the Secretary of State's power with respect to rules?
He has the power of certifying them as the judges had under the old Acts of Parliament. He has had that power ever since the year 1835; and when the rules are sent up, as they are required to be, once a year, from each prison, he has also the power of making alterations in them; but that power has been very seldom exercised, because the magistrates generally prefer making the rules themselves, and they very often object to the alterations that are made, which leads to very long correspondence. It seems to me that it would be a very gseat advantage if there were certain definite codes of rules for all prisons of certain characters, as for instance for all gaols, all houses of correction, debtors' gaols, and so on; that there should be four or five definite codes, and not, as is the case at present, infinite varieties. In fact, the variations of the rules of prisons are so great that it is hardly possible for the inspector at the time he is going round a prison to have in his mind the rules of that particular prison, because so many rules have been introduced, and so many have been struck out and modified (sometimes only in a few words), that there is no uniform code, except in those prisons where the Secretary of State's regulations have been accepted entirely.

37. But has the Secretary of State the power of vetoing a set of rules?
He has.

38. Do you not find that he often objects to alterations made by the magistrates with regard to his own regulations?
The alterations made by the magistrates are sometimes inconsistent with the regulations which may be assumed to be approved of by the Secretary of State, but it has seldom been the custom to dispute them; they have been generally adopted, unless they are thought to be positively objectionable.

39. Earl of *Romney*.] Are you aware that about 20 years ago the Secretary of State sent out a body of rules, and submitted them to all the counties for their consideration?
That is the code to which I allude.

40. What year was that?
I think it was in 1842; I came into office in 1843, and I think it was in the year before that.

41. Earl

41. Earl *Cathcart.*] The result of what you have stated is, that the Secretary of State does not exercise sufficient control over the prisons?
Yes; that is my opinion.

42. *Chairman.*] You stated, did you not, that in some prisons there were no rules at all?
They are generally very small prisons, more deserving the name of lock-up houses than of prisons, in which there are no rules that have been actually certified by the Secretary of State.

43. Can you specify in what parts of your district those prisons are to which you refer?
Such prisons as Bradninch, Helston, Romney, Rye, Winchelsea, and other small gaols of that kind.

44. Would you not feel it your duty in such a case where no rules existed to report the fact to the Secretary of State?
I have continually spoken of it in my reports to the gaolers or the visiting justices, when there are any; but there are not always visiting justices to those small prisons.

45. Marquess of *Salisbury.*] Many of the borough gaols have no justices at all?
Some have none at all; and some have not even any resident officers.

46. *Lord President.*] Is it not your habit to report to the Home Office any case in which there seems to be illegality connected with the discipline of a prison?
Yes.

47. It is illegal not to have rules certified by the Secretary of State, is it not?
Yes; and I do report it; but a report of illegal acts done in a gaol may not, even with the best intentions on the part of the Secretary of State, produce the reform that is required. I may mention as an illustration a county gaol in which, during the first 14 years of my tenure of office, the law was habitually violated every day by two prisoners being put, not only into one cell, but into one bed. This was continually reported not only in my published reports, but in special reports, and it had been similarly reported by my predecessor; and yet, as I say, 14 years of my time passed without my being able to effect any change, although the Secretary of State sent down the reports, and sometimes the magistrates went so far as to draw up plans for a new prison, and on one occasion to get them certified; but they were not acted upon during that long period of time.

48. You are referring to the case of Falmouth, which is mentioned in your Report for 1861?
Not in my answer to the last question.

49. The Home Secretary had no further power except calling the attention of the magistrates to such illegal procedure?
Practically he has no power to do more.

50. Earl *Cathcart.*] In your Report for the year 1862, with regard to the large prison of Devonport, to which "were committed the last year 319 males and 126 females, total 445," you state, "It is my duty again to call attention to the fact that no code of rules has ever been forwarded to the Secretary of State for his certificate as fit to be enforced in this prison." This would appear to apply to a large prison?
That is a large prison.

51. It is clear that the law has not been carried out in that case?
It has not.

52. What is the duty of the Inspector under such circumstances as that
To report it, as I have reported it.

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63. And then no notice is taken of your report?
Often none.

54. Then, are the Committee to infer that, so far as inspection goes, the inspection leads to no practical result?
It has generally led to very beneficial results; but in many instances, I am sorry to say, that the remonstrances of the Secretary of State have not produced any effect.

55. And here is a large prison carried on apparently without any published rules at all, and the report of the inspecting officer on the unsatisfactory condition of the prison has not been attended to in such a case: is it not your duty to urge the matter more forcibly in your report to the Secretary of State, and would it not be your duty to write a special letter calling the matter to his attention more prominently?
In the case of Devonport the rules of the Secretary of State are acted upon, that is to say, of that code which was sent down, but they have never been specially certified for that prison.

56. They are not legal rules till they are certified, are they?
They are not.

57. It is a mere matter of form?
Just so. A great many of them are legal rules, because they are extracted from Acts of Parliament.

58. But the real rules are, in fact, the Acts of Parliament; the Act of the 4th of George the Fourth is the foundation of a great many rules, is it not?
Yes; a great many of them.

59. Duke of *Marlborough.*] In such a case as has just been mentioned to you by the noble Lord, where the prison authorities neglect to send up the rules, does not the Act empower the Secretary of State to furnish rules that are to be acted upon?
Yes.

60. Has that been done in this case of Devonport?
No; it has not.

61. I see that the sixth section of 5 & 6 Will. 4, c. 38, states: "That in case of any clerk of the peace, clerk of gaol sessions, or chief magistrate of any city, town, borough, port, or liberty, neglecting or omitting to transmit to one of his Majesty's Principal Secretaries of State, copies of the rules or regulations in force for the government of any prison, which he is required by this Act to transmit, it shall be lawful for one of his Majesty's Principal Secretaries of State, after the 1st day of December in every year, to certify what rules and regulations he deems necessary for the government of such prison;" is there any difficulty in doing that?
I believe that has never been done in any case.

62. But there is clearly, by that Act, a power in the Secretary of State to send down rules for the guidance of the prison?
There is.

63. Is it obligatory, then, upon the prison authorities to act upon such rules after they have received them?
It is.

64. Marquess of *Salisbury.*] They have the power to alter them afterwards, have they not?
They have the power to suggest alterations, just as they would have done if they had had a permanent code before.

65. They are not final?
No; in no case are they final, because magistrates in quarter sessions may propose alterations in them.

66. In

66. In the same manner as if they had gone in a more formal way, and had had new rules imposed upon them by the Secretary of State?
Yes.

67. Duke of *Marlborough.*] Any alterations must receive the subsequent sanction of the Secretary of State, must they not?
Yes.

68. Earl of *Malmesbury.*] In the case suggested by the noble Duke, if the Secretary of State sends down rules, in default of rules being sent up by the justices, what is the penalty if those rules are not followed?
There are no penalties connected with that at all. The Act of Parliament prescribes no penalties.

69. Then, in point of fact, the power of the Secretary of State is null?
It is null. All that the Secretary of State could do would be to institute a prosecution for a misdemeanor for disobeying the Act of Parliament; but that has never been done, nor is it likely to be done. The Secretary of State should, in my opinion, have the direct power to impose rules.

70. Earl *Cathcart.*] Are you aware that Plymouth prison, which is also a large prison, has no rules at all?
It is in exactly the same position as Devonport in that respect. They act upon those regulations.

71. But they are not legal?
They are not certified for the prison.

72. *Chairman.*] Have you made representations to the Secretary of State, both with regard to Devonport and Plymouth, on this subject previous to that report?
I cannot remember now.

73. Is this the first time that you have called attention to it?
I am unable to answer that question in a moment without referring back to old reports.

74. Duke of *Marlborough.*] With reference to the question, how far the statute is obligatory on the prison authorities to act upon the rules furnished by the Secretary of State, do you not consider that the latter portion of this section which has been read is obligatory upon them in that sense, "and the rules and regulations so certified by such Secretary of State shall thenceforth be binding upon sheriffs and all other persons, and shall be the only rules in force for the government of such prison"?
Undoubtedly the Secretary of State has the legal right to impose rules, but I say that practically, if the rules are not obeyed, there is no penalty for not obeying them.

75. Is not the infraction of an Act of Parliament punishable at common law as a misdemeanor?
It is so, as I have just mentioned, but that process has never been adopted, even in much stronger cases than that to which your Grace alludes.

76. With reference to the reports which I understand you to say are made, have the terms of this Act been strictly obeyed as regards the reports which are required to be furnished. I see by the Act that the inspector is required to furnish a separate and distinct report in writing of the state of every gaol, bridewell, house of correction, penitentiary, prison, or other place of confinement visited by him, and that he shall transmit the same to one of His Majesty's Principal Secretaries of State on the first day of February in each year. Has that been practically observed?
Not before the first day of February in all cases; they are sent to the press before they are presented to the Secretary of State, and the printing occupies some little time, and they are not presented until later in the Session.

77. Is it the case that a separate and distinct report of the state of every gaol is made annually to the Secretary of State?
Of every gaol visited within the year.

78. Then you consider that the Act of Parliament merely refers to gaols that are visited, and not to every gaol in existence within your district?
No,

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No, I think it does not refer to that; the Act says that the prisons shall be visited from time to time.

79. Earl *Cathcart.*] Is it not the custom to read the prison rules to prisoners on admission?
Yes.

80. If there are no rules, how can those rules be read?
The rules relative to prisoners are read in Devonport Prison, and in Plymouth Prison, from the regulations of the Secretary of State, which they assume to be their rules.

81. Viscount *Eversley.*] And are those rules legally binding?
Only those which are supported by Acts of Parliament.

82. Only those rules in fact which are parts of Acts of Parliament?
Just so; every prison has those rules, and the officers must act under them.

83. As I understand you, every prison has its rules, which the visiting magistrates have drawn up, and which have been approved of by the Secretary of State; but in the case of the Devonport Prison, they appear to have no rules, but that they govern themselves by a general code of rules, which have been sent down by the Secretary of State?
Many prisons have not rules of their own, but all are subject to Acts of Parliament.

84. But those rules are only binding when they form parts of Acts of Parliament?
Just so.

85. Earl of *Romney.*] There is a complete set of regulations in the 4th Geo. 4, cap. 64, is there not?
Yes, and all those are binding, whether any rules are certified or not.

86. But are there any rules with regard to the classification of prisoners, and as to many of the smaller details?
Yes.

87. *Lord Steward.*] With reference to an answer which you gave some time ago, you stated that there would be some inconvenience in requiring the inspectors to visit their different districts alternately. Are you aware that that has been the practice in Ireland; that the country is divided into two districts, visited alternately by two inspectors, and that that practice has been found to work very well?
The districts in England, including Scotland, are so much more extensive than those in Ireland, that the difficulty would be greater.

88. That difficulty might be met, by increasing the number of inspectors, might it not?
Yes, of course.

89. If there were an additional number of inspectors, would you deem it objectionable to require them to visit the districts alternately?
I think the present system is better, and that the inspectors become better acquainted with the details of the prisons.

90. Do not you think that it would give the inspectors an opportunity of comparing the practices, and mode of treatment, and the different details in different prisons, and of selecting what was thought to be best in each?
The inspectors do meet now and compare notes upon the different points that may arise.

91. How often on an average do you visit each prison in your district in the ordinary way?
Once in about a year or 15 months. There are some prisons which are sometimes empty, or sometimes they have only one or two prisoners in them.

92. Generally speaking, those small prisons require more frequent visitation than large ones, do they not?
Yes. I may mention that the average time of visit is within a year. Looking

ing at the present time, I have visited every prison within the last year, except about half a dozen, which I should have seen in the month of February, had it not been for my expectation of being called before this Committee.

93. What is the total number of prisons in your district?
About 96.

94. Earl *Cathcart.*] You only report upon 40 prisons, what is the reason of that?
When the Report of 1862 was published, I had only a part of the district that I have now.

95. If you have 90 prisons in your district, why is it that in your Report for 1862, you only report upon 40?
Because the greater part of the additional number were not in my district when that Report was published.

96. How many prisons had you in your district at the time when this Report was published?
About half that number.

97. Will you be kind enough to state what occurs in case of death-vacancies, or in case of the sickness of inspectors; there is a vacancy at this moment in the northern district, how is the work done in that district?
There is no vacancy at this moment.

98. Has not the inspector of the northern district lately died?
Sir John Kincaid died after he had resigned his office.

99. In case of sickness, what would be done?
Happily, no such instance has arisen, but we should attend for each other in any special or urgent business.

100. Has any report been published for the northern district for 1862?
A very short one indeed, for Sir John Kincaid was almost dying when he resigned.

101. And there is no satisfactory report concerning the northern prisons for 1862?
No.

102. *Chairman.*] Was there any report for 1861 for the northern district?
I do not recollect exactly; but I think Sir John Kincaid's illness, even then, prevented his publishing the northern report; he merely complied with the forms. For two years there was no report, I think, from Scotland.

103. Earl *Cathcart.*] With regard to sending a report to the quarter sessions, do not you think it would be exceedingly satisfactory and useful, if the Crown inspector sent in a report to the next quarter sessions immediately after his last inspection; and that he should send to the chairman of the visiting justices, appended to his report, a copy of the report which he had forwarded to the Secretary of State?
Under the present instructions it would not be possible to do so.

104. Assuming that the instructions were altered, do not you think it would have a salutary effect if, in the quarter sessions, a copy of the report of the Crown inspector were read?
I think it would be better sent by the Secretary of State.

105. Do not you think it desirable that the Secretary of State, after the Crown Inspector has made his report, should, as soon as possible, send down a copy of that report which he has received from the Crown Inspector?
That is the course adopted now, when there is any special matter to be reported.

106. Are you aware that this is now done in the case of the Crown Inspector of Police?
I am not aware that that is the practice.

107. *Chairman.*] You stated, did you not, that there were at present 96 prisons within your district?
About 96, but that includes many very small ones.

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108. Can you specify them, so far as the number is concerned, in different classes—Borough prisons, County prisons, Liberty prisons, if there are such, and so on?

Fifty-four County prisons, forty Borough prisons, and two Liberty prisons.

109. Has any amalgamation of the borough and county gaols taken place within your district lately?

There has scarcely been an instance of it.

110. There is power given to amalgamate, is there not, under an Act of this reign?

Yes, under the Act for establishing district prisons.

111. Have you known of no instance in which that amalgamation has taken place?

There are many instances, of course, in which the Boroughs have sent their prisoners to the county gaol by contract; but I do not recollect any instance in which a county gaol has been amalgamated with a borough gaol.

112. In your opinion would it be desirable that some of the smaller gaols should be amalgamated with the county gaols?

Yes, it would, and I have very often recommended it. There are still several gaols which it is highly improper should continue, such for instance as one of those which I have mentioned just now, that of Bradninch, where they have sometimes only a single prisoner for months together, and where there is no resident officer in the gaol at all; the man who looks after the prisoners living at a distance from the prison. And the same is the case in some other gaols. They should send all their prisoners to the county gaols.

113. Would it not be an advantage in an economical, as well as an effective point of view, if that amalgamation were carried out?

It would, and I have often recommended it upon those grounds.

114. Duke of *Marlborough.*] Would you feel yourself at liberty to state to the Committee any other case in your district where the evils of the existing borough gaol are as glaring as in the case of Falmouth?

I do not think that I could mention any instance equal to that, because Falmouth is a prison that receives sometimes a very large number of prisoners, and I have occasionally known 24 male prisoners in Falmouth gaol, when there have been only four beds in the gaol—they lie two or three in a bed, and the rest on the ground by the side of the bed. I have reported that specially to the Secretary of State, and on one occasion, upon my recommendation, a number of prisoners were pardoned, in order to get them out of the gaol.

115. Earl *Cathcart.*] Could you not mention a gaol at Poole, where the dinner comes in from a neighbouring inn?

Yes; but the number of prisoners there is so small, that the accommodation is sufficient.

116. The dinner is provided at 5 *s.* 6 *d.* per head per week from the inn, is it not?

Yes.

117. You have one prison where there are bedsteads which are not used, and where the prisoners sleep on the floor, where is that?

That is at St. Alban's.

118. Can nothing be done at St. Alban's to improve that state of things?

I have repeatedly represented it, and the answer is, that they have it in contemplation to build another prison, or to unite the two prisons of Hertford and St. Alban's, and upon that score it has been postponed from year to year.

119. Has the Secretary of State no power in such a case as that where there are bedsteads, and they are not used, but the men and women sleep upon the floor?

The reason assigned for their not using the bedsteads upon one occasion was, that they were afraid of the prisoners breaking them up, and making use of them as weapons against their officers, and for the purpose of effecting their escape.

120. Is

120. Is it a state of affairs which ought to exist in the nineteenth century, in England, that the authorities are not able to provide the prisoners with bedsteads, because they are afraid of their using them as weapons of offence against their officers?

Certainly not.

121. Lord *Wodehouse.*] Referring to your report upon Falmouth gaol, I see that you recommend that the prisoners should be sent to the county prison of Bodmin where you say there is sufficient accommodation for them; and in the report which immediately precedes that, you observe that Bodmin is one of the best conducted establishments of the kind in the kingdom; do you not think that the remedy for the evils of many of those small prisons in boroughs would be to give power to the Secretary of State, where there is sufficient accommodation in the county prison, to require that the prisoners should be sent to the county prison?

Certainly; I have very often recommended that, and in the case of Falmouth I have done so over and over again. The Town Council of Falmouth do now send a great many of their prisoners to Bodmin; but a difficulty has arisen on account of there being a great arrear of payment by the borough authorities to the county magistrates, and it was in contemplation to stop the admission of the borough prisoners in consequence; but I believe that the magistrates have determined not to do so, partly, I think, upon my recommendation, and they are still receiving them.

122. That might easily be met, might it not, by giving the county some summary power of recovering the arrears?

I suppose it might be met by an action at law.

123. Duke of *Marlborough.*] It might be treated as a common debt, might it not?

I presume so.

124. Earl *Cathcart.*] Is not one of the worst prisons in England close to where we are now sitting, namely, the House of Correction for the county of Middlesex, at Coldbath-fields?

It is a very bad prison, and, considering its size, it may be said to be the worst in Great Britain, because the prisoners are very numerous and in close association, although under supervision.

125. *Chairman.*] The majority of the prisons within your district are assumed to be upon the separate system, are they not?

Not numerically, the majority; but the majority of the larger prisons are upon the separate system; all the prisons that have been rebuilt or materially altered within the last 18 or 20 years are upon the separate system.

126. Would you state to the Committee the proper construction of the cells in order to give effect to the separate system as intimated in the Act of Parliament?

They are required to be sufficiently ventilated, warmed, and lighted, and provided with all the appliances necessary for the system; but the main points are that they should be sufficiently large, well ventilated, lighted, and warmed.

127. Pentonville, I think, has been taken, has it not, as the general standard?

Generally so, not invariably. In some prisons the cells have been made somewhat smaller than those at Pentonville.

128. Earl of *Romney.*] What are the cubical contents that are required for a man's cell?

That would depend very much upon the efficiency of the ventilation. A cell may be as well ventilated, and as habitable, which contains 800 cubic feet, as another case which contains 1,000 cubic feet.

129. But let us take an ordinary cell, without any special ventilation, what would be the cubical contents?

Those cells would not be fit for the continual confinement of prisoners. I

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understand your Lordship's question to apply to cells certified for separate confinement.

130. There is a certain quantity, I believe, certified to be properly qualified for males, and a certain quantity for females, with ordinary ventilation?
Not with ordinary ventilation; I am not aware of that; I have never certified any cells that were not artificially warmed and lighted.

131. *Chairman.*] What is the recognised standard of Pentonville; how many cubic feet of air is a prisoner allowed there?
It is easily calculated; it is 13 feet 6 inches long, by 7 feet wide and 9 feet high. I think that those are the dimensions of the separate cells at Pentonville.

132. Marquess of *Salisbury.*] Is that cubic measure?
The cubical contents may be calculated from those data; they are, probably, given in the Pentonville Reports.

133. *Chairman.*] What is the minimum number of cubic feet of air in any cell which you would be disposed to certify?
I have certified, under some circumstances, cells which contained rather less than 800 cubic feet.

134. What do you look upon as the maximum?
There would be no objection to any size, except that they take up more room.

135. What is the largest cell within your district?
The largest certified cells are, I think, in Shrewsbury Gaol; they consist of old cells thrown two into one, by which a very much larger extent is obtained than would have been the case had the prison been built afresh. I do not remember exactly the measurement; my old reports would state that.

136. Is there ventilation in every cell?
Yes.

137. By what means is the ventilation generally secured; is it by the window or through the door?
By flues.

138. There are cells, are there not, where the ventilation is effected by the window?
Yes.

139. And the prisoner himself has the power of regulating that ventilation?
Yes, but those are not certified for separate confinement, so far as my knowledge extends.

140. Is not that the case in Winchester?
In Winchester Gaol the cells are ventilated by flues, and they have also the means of opening the window, but I should say that the power of opening the window is directly subversive of the principle upon which they are ventilated; for if air be admitted from the outside, the same quantity of air must be arrested in its passage through the flues, as only a certain amount can come into the cell within a given time; just so much as has been extracted within that time. If you admit air from the outside you stop exactly the same amount of air from coming in through the flues, and though in the summer time that would make no difference, yet in the winter it would make a material difference, because, when the thermometer is below the freezing point, it would be very difficult to keep up the temperature of the cell if you ventilated it by letting in air from the outside.

141. Would you object to the prisoners themselves having the power of opening and closing the windows?
I believe that that is generally injurious to the ventilation.

142. Has it any other objections?
Yes; one objection may be stated, namely, that it would admit of voices being heard on the outside.

143. Would

143. Would it not probably facilitate communication between the prisoners?
Yes, with prisoners from the outside, but not from cell to cell.

144. And would not that be a very great disadvantage in a disciplinary point of view?
It would. For instance, if a cell overlooked the airing yard, and there were a power of opening any aperture between the cell and the outside, the prisoner's voice might be heard in the airing yard.

145. In all those gaols where the cells have been certified for use, and consequently may be assumed to be on the new and improved principle, is there any provision made for artificially warming them?
Certified cells, so far as my own experience goes, have always been warmed and ventilated. There has always been an apparatus for warming and ventilating them before the certificate has been given.

146. What has been the general temperature of the cells?
It is difficult for me to speak, from occasional visits, as to what has been the general temperature. In some prisons they keep a record of the thermometer in two or three cells; and if my instructions are obeyed, they would never raise the temperature of the cell above 60 degrees, or, perhaps, scarcely so high as that; but I dare say that, by mismanagement of the flues, they may occasionally be warmer than that, or occasionally not so warm.

147. Marquess of *Salisbury.*] What is the lowest temperature?
In the night there would be no objection to its going down much below 50°; but if a man is to sit still in a cell he will be cold if the temperature is 50° in the day-time.

148. Earl *Cathcart.*] When prisons are ventilated by means of flues, and most prisons are ventilated by means of flues, the ventilation is dependent, is it not, upon a fire being lighted somewhat either above or below?
It is so.

149. Has it not so happened in your own experience, and do not you mention in your report that sometimes they forget to light this fire, and consequently the ventilation is defective?
Yes.

150. Have not you known a prison become almost unbearable from the want of ventilation, because they have not lighted the fire?
Yes, I have known that happen, but not very often.

151. You do not think that that occurs frequently?
No; in most prisons they have a resident engineer, and it is regularly done; but it does occur sometimes; I have spoken strongly about it when I have found it to take place.

152. Would it not in that case be safer to trust to the external air than to have to trust to the air flues?
For the reason I mentioned just now, the air from the outside would not answer the purpose in the winter season.

153. It sometimes happens that the ventilating apparatus is out of order, and consequently the whole ventilation of the gaol is most ineffective, is it not?
It can scarcely be said to be entirely out of order; but the ventilation is languid from the want of a current in the extracting shaft.

154. Do you know from experience any instance of the fire for the extracting flue in the ventilating apparatus not having been lighted at all, and consequently that the flues have not acted?
But even then if there is a fire below there is a certain amount of ventilation.

155. But supposing that in the summer time when there is no fire below, they should neglect in the exhausting shaft to light the fire, the whole ventilation of the prison must be entirely defective?
It would not be entirely stopped, but would be rendered much more languid.

156. And consequently to a great extent unwholesome?
Yes; but there would always be a certain amount of ventilation even without

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out additional warmth in the extracting shaft, because upon the principle of the reversed syphon, the long chimney will always have a current up it, as the long leg of the syphon.

157. For women and children the ordinary cells are too small, and the air is very offensive, is it not, in a cell where a woman and child are confined together?

That is not altogether from the want of air, but it is from the child not being so cleanly as it ought to be.

158. In such cases the cells ought to be rather larger, ought they not?

I think the size that I have mentioned is sufficiently large for a woman and child.

159. I believe also that in almost all the separate cells there are water-closets, are there not?

There are generally.

160. Have you not known sometimes very serious objections arise both with regard to cleanliness and with regard to the health of the prisoners themselves from the use of those waterclosets?

In the case of frost breaking the pipes I have known that; and in one instance many years ago, when the mode of ventilation was much less understood than it is now, a fever broke out in a prison in consequence of those waterclosets, but then it arose, not from having waterclosets in the cells, but from conducting the soil from the watercloset into a cesspool, which was made air-tight under the idea of rendering it less offensive, so that the gases could not escape from the cesspool at all, except through the cells, and they came up again. In that case the mischief was remedied as soon as the cesspool was set right.

161. Earl of *Dudley*.] They are not waterclosets in the common acceptation of the term, are they?

Yes, they are.

162. With a closing pipe?

Yes, with a closing pipe, or with a water valve at least.

163. In some of the ordinary waterclosets will the valve close again?

No; I think they are constructed in general in a curve, so that there may be always some water at the bottom of the curved portion, making what is technically called the water valve.

164. *Chairman.*] Are you not aware that in very many gaols there is a very strong effluvium in some of the cells, in consequence of the waterclosets?

I have never perceived it except now and then, when the extraction apertures were closed by the collection of flue behind them. In Hereford Gaol I noticed that very badly, and I had the perforated plates taken out, and a thick mass of flue was found behind each composed of portions of cotton or wool, or anything that happened to have been manipulated within the cell, and formed a complete crust behind the perforated plates; but since that time I have constantly spoken about having them taking down and examined. I remember that Reading was one of the instances in which that occurred. I have not observed the same thing to have occurred again.

165. Wherever that is the case, it would go a long way, would it not, to explain the paleness and even loss of weight and general ill health on the part of the prisoners?

If the ventilation were bad, certainly.

166. That would be the case, would it not, if there was an effluvium?

In many instances the effluvium is from the bodies of the prisoners themselves. It is known to medical men, that different persons differ very much indeed in the odour of their perspirations.

167. I think you misunderstood my question. I say that wherever this effluvium exists from these waterclosets, would it not go a long way to explain the ill-health of the prisoners?

It would.

168. Do you look upon the existence of these water-closets in the cells as absolutely essential to the separate system?
The reason that they have been adopted was to prevent the necessity of taking the prisoners continually out of their cells. People tired of confinement in their cells would be constantly affecting to require removal for the sake of going to the water-closet; and in order to prevent that continual necessity, and the time of the officers being occupied, the water-closets were put into all the cells.

169. That has been abandoned, I think, in one or two cases?
I only know of one instance, and that is Gloucester.

170. Was not the system abandoned in Derby?
I do not know the Derby prison.

171. Duke of *Marlborough.*] What have they substituted in Gloucester?
The prisoners are taken out to a general water-closet.

172. Earl of *Dudley.*] You were saying that the ordinary ventilation of the cell would be interfered with by an open window from above. Is not the cell all the healthier for that cold air being let in during a certain number of hours per day?
During the summer it is very desirable, but in the winter, when the thermometer is low, it would be impossible to keep the temperature of the cell up to a habitable point if the air were admitted from the outside directly.

173. That would bring down the temperature, but as soon as that window was closed again the air that is passing in from below would very soon bring the cell up to its temperature?
It would; but if the prisoner remained in the cell all day, as they do with the exception of an hour or two for exercise, he would be very much chilled if the opening of the window were maintained long in winter time.

174. Is there not an advantage, even in winter, in having perfectly pure and fresh air let into the cell for a short time, because it is vitiated air which you let in by the mode of ventilation which you use?
A great deal of care is taken to prevent the air being vitiated; it is always brought down from an elevation by a pipe which is carefully kept clean, and the air goes into chambers where it is warmed.

175. It passes over heated plates to begin with, does it not?
No; it passes over hot-water pipes, not pipes heated by hot air, which might be raised too high in temperature, but by hot water, and they never become so warm as to vitiate the air.

176. But you do not call that perfectly pure air, when it has been passed over anything and warmed, and is then brought into the cell?
Chemically it is quite pure.

177. Lord *Wodehouse.*] Do you think that there is any great evil to be apprehended from there being no water-closets in the cells, and their being simply provided with a pail?
That would be very objectionable; it is very offensive, indeed.

178. Earl of *Dudley.*] You must have the jailor there constantly to remove it?
Yes. In the morning those pails are carried out and emptied, and then it does not often happen that they are used afterwards through the day; but during the time that they remain unemptied, I should conceive that there must be very much more danger of the air being foul than from water-closets.

179. Earl *Cathcart.*] Are you aware that they make a sort of apparatus with a cover, that fits close, and with a water valve in the cover?
Yes.

180. In your district are there not a great many prisons and a great many cells where there are no water-closets at all, but merely these pans are used?
Yes; there are in the old fashioned cells.

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181. Lord *Wodehouse.*] And are not some of those cells certified?
No; not any in my district, I think.

182. With regard to the warming of the cells, have you had any cells certified in your district which are warmed by means of gas?
No; not any.

183. *Chairman.*] Are the majority of the cells which are certified lighted with gas?
The majority are, but not all.

184. Is there any uniform rule with regard to the duration of the time for which the gas should be turned on?
In the best regulated prisons it is turned on at dusk, and put out at about nine o'clock, I think; but in some prisons there is no light at all, from the time that the prisoners are locked up till they get up in the morning, and I have constantly complained of the prisoners being shut up for 16 hours in winter without any light, as leading to slothful habits and even worse consequences.

185. Do not you conceive that to be a very grave evil indeed?
Very much so indeed, and I have always remonstrated against it.

186. What is the duration of sleep which is supposed to be allowed in those prisons where the prisoners are shut up for 16 hours in the dark?
There is no control over them in that respect; they may sleep for the 16 hours.

187. Are the beds allowed to be taken down at dusk?
I think they are at six o'clock; at any rate they are taken down after supper.

188. So that it is optional to a prisoner to go and undress, and go to bed at six o'clock; and he would not be disturbed until six or eight the following morning?
Yes, in many instances that is so.

189. Earl *Cathcart.*] Do not you mention in your report, that in one instance they may go to bed at four o'clock?
Yes.

190. And that they may lie in bed until seven the next morning?
Yes.

191. Earl of *Dudley.*] They would have no light?
No.

192. Earl of *Romney.*] Do you think that the prisoners like that?
I do not think they do; they would rather be employed in any way.

193. In fact, it is a punishment to them?
Yes; they cannot sleep all that time; and I have known prisoners complain of it.

194. *Chairman.*] If instruction is to be imparted to the prisoners at all, by means of schoolmasters, is not the evening one of the best times at which that may be imparted?
Certainly it is.

195. Duke of *Marlborough.*] Does this take place in associated prisons?
Sometimes.

196. Is that regulation with regard to going to bed so early in force in any case where they sleep in one room?
There are very few prisons now in which they sleep in one room. With the exception of Coldbath Fields Prison and that of St. Albans, I can scarcely name any. I do not remember one county prison in which they sleep in one room, except when the cells are over filled.

197. Earl of *Dudley.*] In the case of Coldbath Fields, is there a light burning all night?
Yes, and there are officers watching; but it is not so at St. Albans.

198. Earl

198. Earl *Cathcart.*] Are the prisoners packed so close together at night, that one can scarcely pass between them?
Yes.

199. If a man wanted to get out at night, from any cause, how is that arranged for?
He climbs over his sleeping fellow prisoners; and at the present time there are rooms in which the beds are placed upon the floor so close together, that the floor is not visible between them.

200. If a man wants to pass out, in case of illness during the night, for the purposes of nature, he is obliged to crawl over his sleeping fellow prisoners?
He is.

201. Earl of *Malmesbury.*] Have you found that the prisoners feel a strong repulsion to being in the dark so many hours?
Some prisoners have complained to me of it.

202. Do you find that generally felt as a very severe punishment?
No, I think that prisoners would generally take it as a part of their lot, and would lie down and sleep as much as they could.

203. But it is, in fact, an aggravation of their punishment?
The more intelligent would think so.

204. Looking at it as a punishment, is it deleterious to their health?
I think it is productive of slothful habits; a man could scarcely follow that practice for many months, and go out as active and alert and disposed for early rising as he was before.

205. Would not it rather have a contrary effect; after having been punished by 16 hours of darkness, would not a man be very glad to be relieved from that peculiarity incidental to prisons?
I think that would depend very much upon the constitution of his mind; I think the general run of prisoners would probably feel it as an indulgence to have nothing to do; the more stupid class would.

206. I am speaking of their remaining in darkness?
If they have light in their cells they would probably have work to do.

207. Earl of *Dudley.*] Are not nine-tenths of the men found in gaols exactly of that sort that you speak of, who would be perfectly content if they were 24 hours in darkness so long as they had food?
Yes.

208. Duke of *Marlborough.*] Is not this a matter which would be regulated by the rules of the prison?
There are no rules in general bearing upon that point.

209. It would be within the power of the Secretary of State to require the adoption of a rule regulating the hours of rest, would it not?
No doubt he might insert that rule as he might any other, when the rules are sent up annually; but it would be nugatory, unless the cells were lighted in winter.

210. Do you conceive that the same difficulty exists with regard to the insertion of that rule, as you stated in answer to a former question, as regards the adoption of any rules proposed by the Secretary of State; that is to say, you conceive that there is no power which actually enables the Secretary of State to enforce rules of his own selection.
No, there is no penalty for the non-reception of them.

211. Earl of *Romney.*] But in those gaols the rule is, that the prisoners shall be locked up at a certain time?
It is not always a rule certified, but a bye-law, a sub-rule as I may call it.

212. Earl of *Dudley.*] But it holds good in that prison?
Yes.

213. Earl of *Romney.*] It is not a rule which has been adopted by the Quarter Sessions and sanctioned by the Secretary of State?

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I think in many instances it has not been adopted by the Quarter Sessions nor the Secretary of State, but by the Visiting Justices.

214. But there are cases in which it is just as much a rule that they shall be locked up at that particular hour, as it is the rule that the men shall not be put into the same cells with the women?

That may be so; I am not objecting to locking them up at that hour, but to their being locked up in darkness.

215. Of course that depends entirely on what their object is in imprisonment; if you suppose that the prisoners are always to be improving their minds, of course the darkness is against their doing so; but as a matter of punishment a man dislikes darkness, and he is more punished by being kept in darkness than if he was able to read an amusing book?

I suppose that a small portion of them would dislike it very much indeed; that is to say, the more intelligent of them; but the general mass of them would be perfectly indifferent, even if they did not like it.

216. With regard to those men who are sentenced to hard labour, and have been working at the treadmill, I presume they would go to sleep?

Yes.

217. And they would sleep during the 12 hours?

Yes; but it is a great deal longer than is requisite for their refreshment.

218. *Chairman.*] Do you remember what the resolution of the House of Commons was in 1850 on the subject of sleep?

I do not.

219. Do you not remember that the maximum which was there laid down was eight hours.

I do not remember it at this moment.

220. In your opinion, is eight hours sleep sufficient for any prisoner?

It is.

221. Lord *Wodehouse.*] Is there not this objection, looking upon darkness as a punishment, that the amount of punishment inflicted upon a man would depend upon the time of the year?

Yes.

222. Earl *Cathcart.*] Are you aware that in some instances lately they litter down beds on the floors of the workroom as soon as they have done work?

I have known that done in one prison in this county, in Coldbath Fields.

223. What is your opinion with regard to such an arrangement as that of littering down beds upon the workroom floor?

I think it is a very bad arrangement, and I have objected to it, and it has been discontinued.

224. Is it possible to make those workrooms clean, and ventilate them properly before prisoners sleep in them?

The windows are put open for some time while the prisoners go down to their supper, and therefore the air is changed, no doubt.

225. Do not you consider that the whole question with regard to beds and bedding in prisons demands inquiry and consideration?

The beds and bedding are generally very good.

226. Do you not think that hammocks are a very luxurious kind of bed in themselves, and that they are unnecessarily soft and luxurious?

I do not think so. I do not think that the prisoners prefer them to beds?

227. It is the opinion of some people, and you concur in that opinion, do you not, that it is very desirable that the hammocks should be done away with, and that planks should be made to fold down, and that a bed put upon the planks is not so soft as a hammock?

I think that a hammock is a very convenient arrangement on account of the small space which it occupies in the day time, but I do not think it is regarded by

by the prisoners as a very desirable mode of sleeping. I think they would just as soon sleep upon a flat bed.

228. Are you aware that in military prisons they take away the soldiers' bedding, and when the soldier is obliged to be on duty once in three nights they do the same?
Yes.

229. Could that be applied in civil prisons; do you think it would be desirable to take away the soft part of the bed, and leave nothing but the planks?
I do not think it would be desirable; it would not contribute to health to do so.

230. Marquess of *Salisbury*.] Would it do the reverse?
Yes; it would, in my opinion.

231. In what respects?
By keeping the men awake, and giving them bad nights.

232. It seems that sometimes sheets are used, and sometimes not; do you consider it essential that sheets should be used for the purposes of cleanliness?
I have invariably promoted the use of them for the purpose of cleanliness and economy also. When sheets are not used the blankets wear out very fast, partly by the friction of the feet, and partly by the frequent necessity of washing them, because, unless they are washed almost as frequently as the sheets when they are used without sheets, they would tend to propagate disease in the prison, and therefore they require to be frequently washed; and a blanket, every time that it is washed, loses something of its thickness, and it very soon wears out, and as they are very much more costly than sheets, it is found to be a great deal more economical to have sheets; and wherever they have been adopted, which they are now very generally, upon my recommendation, I have been told afterwards that the saving has been very large on that account.

233. Duke of *Marlborough*.] Would you think it better to give them proper bedding, but to limit the number of hours during which prisoners should be in bed?
Yes.

234. Would it be better than subjecting them to any hardships, such as lying on boards, or anything of that kind?
Yes.

235. *Chairman*.] Would you designate by the name of hardship the guard beds which are used in the army, which are simply tressels with planks, and a mattrass upon the top of the planks?
When they have not hammocks, they have wooden beds generally in prisons. I do not speak of that as a hardship; I think, in many instances, the prisoners would prefer that mode of sleeping.

236. Then I understand that you do not object to the use of guard beds?
I have never seen them employed.

237. Would you object to them?
In theory, I suppose they would be much the same as a wooden bedstead, except that they are closer to the ground. There would be no advantage in having them closer to the ground that I am aware of.

238. Earl *Cathcart*.] Are you aware that in workhouses the vagrant wards are fitted up with a bed of that description; merely a sloping plank?
I have not seen them, but I have heard that it is so.

239. *Chairman*.] You have stated that the use of such beds would possibly deprive prisoners of sleep; but if they had hard labour for eight or ten hours in the day, are you not of opinion that sleep would come fast enough, whether they were in a guard bed or whether they were in a hammock.
I am not prepared to say; I think that there are a great many persons who would pass very restless nights if they slept upon a plank without any bedding, and that those men, if that were repeated constantly, would have their health impaired.

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240. Earl *Cathcart.*] I have received a letter from an intelligent governor of a gaol, who suggests to me that hammocks are too comfortable and luxurious, and he suggests, that instead of having slung hammocks, the bottom of the bed should be of planks, with a coarse mattress on those planks; but you do not concur with him in the view that a hammock is a luxurious kind of bed?

I do not think it is so regarded generally.

241. Earl of *Romney.*] Do you understand by lying on the plank, that the planks should be without any bed between the man and the plank?

Yes.

242. Marquess of *Salisbury.*] Did I not understand you to state, that you think it is injurious to the health of a prisoner to sleep upon a plank?

In those instances in which they would be kept awake by it, and which, I think, would be the case frequently.

243. If they were not kept awake by it, you do not think it would be injurious?

There are some persons who can sleep very well upon a bare plank.

244. Do you think, if they were to sleep constantly on a bare plank, it would injure their health, provided they got a sufficient amount of sleep?

No, certainly not; they must have sufficient clothing over them, of course, but I think that there are a great number of persons who would not be able to sleep so. For instance, there are old prisoners, who would be subject to rheumatism, and who would suffer most grievously from such an arrangement. Men in the army being generally in the prime of life, could bear that discipline better than many prisoners, who come in with broken constitutions, and many of them advanced in life, and subject to rheumatism and other diseases.

245. *Lord Steward.*] Your great difficulty is, that it either prevents their sleeping, and so injures their health, or where it does not prevent their sleeping, they get so accustomed to that mode of passing their life that it leaves no painful recollection upon their mind?

No, certainly not.

246. Duke of *Marlborough.*] Do you consider that the mere fact of a prisoner being deprived of his liberty and being placed in confinement, operates upon him in such a way as to require a certain amount of comfort to be administered to him in the prison, in order to sustain his health; that is to say, comparing his situation with the hardships to which a labouring man is subjected, with regard to sleeping, do you consider that the confinement to which the prisoner is subjected is of itself sufficient to require that he should be more comfortably provided for than he would be under the ordinary conditions, either of a soldier, or of a labourer who is at liberty and is performing his duty?

No, I do not think so. I think, for the reasons I have just stated, that a great many persons who come to prison, come in in a very infirm state of health, and that they, on that account, would hardly be able to bear the hardships which more robust people outside would be able to bear—and very few labourers sleep upon boards, I imagine.

247. Do you imagine that the mere fact of the confinement itself creates a drain upon the physical energies or constitution?

I do, but I do not think that in a strong man that would be much increased by his sleeping on a hard bed; but there is no doubt that the depression of mind which accompanies imprisonment requires that prisoners should be better supported than they would require to be if they were outside.

248. One of the chief elements of support in sustaining the health of the frame would be sleep, would it not?

Yes.

249. Is it not the fact that if a prisoner's sleep were impaired frequently, there would be an additional tax put upon his constitution from the fact of his being in confinement?

Certainly.

250. Earl of *Dudley.*] If only eight hours were allowed for sleep in every prison, you would have great difficulty, would you not, about the prison arrangements.

arrangements. Let us suppose that the prisoners went to bed at nine o'clock at night, they would have to rise at five in the morning?
Yes.

251. Then everybody in the prison would have to be on foot again by five in the morning?
Yes.

252. That is not the case now, at all, is it?
Generally speaking, they are up before six in most prisons; if they were only eight hours in bed you could hardly say that they had eight hours sleep; but the question was put to me whether I thought more than eight hours sleep was required.

253. As a matter of course, if a man turns in in the darkness, be it four or be it six o'clock, the natural tendency is to sleep the whole of those hours that have to be consumed before the gaoler comes, or anything is doing?
Yes; but he does not sleep the whole night; he will probably sleep a short time, and then lie awake a great deal, and then go to sleep again.

254. I understand you to say that you would recommend their having lights up to a certain time, in order that they may be employed in something, or taught something, and then go to bed after that employment?
Yes; and that would be the most convenient time for education.

255. You think that the time is so long that it tends to produce habits of sloth?
Yes.

256. Do you also say that sleeping so much renders them luxurious in their habits?
Yes.

257. Earl *Cathcart.*] You mean to tell their Lordships that their being so long in bed, and so long shut up in that way, tends not only to slothful habits, but to degrading and almost disgusting habits?
Yes; that is what I alluded to when I said just now, that it led even to worse habits.

258. Lord *Wodehouse.*] In fact, when you speak of eight hours, the arrangement which you probably contemplate would be that the cells should be shut up about nine o'clock, and that the prisoner should be on foot again about six o'clock, leaving about half an hour for going to bed, and composing himself, and half an hour in the morning for getting up and cleaning himself, and leaving eight hours for sleep?
Yes.

259. I understand you to say that if a regulation of that kind were in force in all prisons, and at the same time all the cells were properly lighted, then, as regards the matter of sleep, the prisons would have all that you would recommend?
Yes.

260. Duke of *Marlborough.*] Do you think it desirable that uniformity of practice should exist in different gaols as regards the matter of food and beds, and bedding, and the hours of sleep?
Yes, I think that would be very desirable. I do not think that there are any circumstances affecting prisoners in different parts of the country which would make them require more or less sleep.

261. Earl of *Dudley.*] At all events in one district, such as yours, there would be no such variation of temperature or other reasons why there should not be one and the same rule?
None whatever. I consider uniformity in that and other rules is most desirable wherever it can be obtained.

262. *Chairman.*] In the majority of certified cells what is the nature of the floor, is it paved or of wood?

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It is sometimes paved with stone, sometimes of tile, and sometimes of asphalte; more commonly, I think, of asphalte.

263. Have you any particular preference with regard to that matter?
Yes; I should prefer having it of stone to asphalte, because a slow decomposition appears to go on in the asphalte, which produces an unpleasant smell in the cell without anything else.

264. Asphalte occasionally imbibes the moisture, and exhales it at particular periods as well, does it not?
I should not have supposed that that was the case, but it becomes softened in warm weather, so that even the weight of the table causes the leg to sink into the floor.

265. Do you see any object in point of health or in point of discipline why you would prefer having the floors of stone?
I think they may be kept more clean and dry.

266. Marquess of *Salisbury.*] Is not stone very absorbent of moisture?
Some kinds of stone are exceedingly so. One objection, perhaps, to the use of stone is, that as the stone of a particular district is likely to be used, it may happen that that may be a soft, porous stone, and therefore unfit for the purpose.

267. And you think that that would be injurious to the health of the prisoners?
Yes, it might be injurious to the health of the prisoners. The same thing applies somewhat to cells, and I think it is on that account that asphalte has been so commonly preferred. I cannot say that I think that the exhalation which I have observed from the asphalte is likely to be injurious to health. Of course the softening of it, which I have observed, is not of any material consequence.

268. *Chairman.*] Have you never known any injurious consequences to health from the floor being of stone, provided that the stone was not of an exceptional nature?
No, not at all.

269. Are you aware of any prisons in which that stone pavement has been covered up in any way with matting or with carpet?
No, excepting in those cells which are intended for sick persons or for lying-in women.

270. But not for an ordinary prisoner?
No.

271. Earl *Cathcart.*] Is it admitted by all those who are best informed in the science of prison discipline that separation is essential to prevent contamination.
I should not like to take upon myself to say that it is so regarded by all those persons, but I think that almost the universal opinion is in favour of it.

272. I asked with regard to the people who are best informed with regard to prison discipline. Do you think that there is any great difference of opinion with regard to that essential principle, namely, that separation is essential to prevent contamination?
I think that there is no difference of opinion about that.

273. Is it not a most fixed principle, and, indeed, almost the only really fixed and fundamental principle in the science, that separation is essential.
It is so in my own opinion, and the opinion of those whom I consider the best informed upon the subject.

274. *Chairman.*] Can you state what is the average thickness of the walls of separation between the different cells?
I cannot at this moment; it varies very much in different prisons; I think that information would be best obtained by a reference to the reports of the Pentonville Prison, which are generally taken as the standard in building prisons; though not always.

275. In

275. In many prisons the walls are not of such a thickness as to exclude the possibility of communication between prisoner and prisoner?
Certainly not, communication by sounds.

276. Have not those sounds sometimes been reduced to language?
So it has been said, but I think that that must be a very fanciful idea, because as they will not have an opportunity of conferring together to agree upon the significance of the sounds, it is not likely that they can communicate any fact by them. There is no doubt that they can excite attention and make themselves heard very easily through the walls, but a voice cannot be heard.

277. Do you believe that there are any prisons with which you are acquainted in which communication in some manner or other does not pass?
I feel sure that there are prisons in which no communication takes place of any kind.

278. Duke of *Marlborough.*] Will you state what prisons those are?
One of those that I had in my mind was the gaol at Bristol; there are two prisons there, but the one that I allude to is the gaol at Bristol.

279. Are you referring to the county gaol?
No, it belongs to the city.

280. *Chairman.*] Is it on the separate system?
There are separate cells throughout, but they are not certified for separate confinement because they are too small, and they are not artificially ventilated.

281. Marquess of *Salisbury*] Is there any peculiarity of construction in those cells?
No, not any; but it arises from the good management and extreme vigilance of the governor.

282. Lord *Wodehouse.*] What is the effect of the cells not being certified as to the restrictions which are put upon the governing authorities of gaols?
The effect is very small indeed, because it is impossible to control the time that a prisoner is kept in a cell, and the Act of Parliament does not define what length of confinement in the cell shall constitute separate confinement; and therefore in some prisons, where the cells are not certified, the prisoners are really kept as long in them as they are in certified cells. I always set my face against it, and insist upon their being walked out of doors, or exercising more, but that is not done to any very great extent, I think.

283. I suppose that, practically, in some at least of the gaols where the cells, though separate, are not certified, the prisoners are employed more in labour out of doors than is the case where, the cells being certified, they are kept exclusively in the cells, with the exception of a short time for exercise?
Yes.

284. There is that practical distinction, though there is no absolute rule?
Yes.

285. Duke of *Marlborough.*] Is it the case now that the cells are required to be certified before the prisoners are allowed to be subjected to separate confinement in them?
Yes.

286. Is that by the old Act of Parliament?
No; it is by the 2d and 3d of the present reign, c. 56.

287. Lord *Wodehouse.*] Is it not necessary to draw some distinction with regard to the length of time that the prisoners are confined in their cells; that is to say, you may either adopt the whole system of separate confinement as it is spoken of by persons who write upon this subject, under which system the prisoners are entirely confined to their cells, with exception of an hour or an hour and a half for exercise, as is the case in Pentonville, or you may adopt a system under which the prisoners are in separate cells whenever they are not at work, by which you obtain a certain amount of the benefit of the separate system, though you have not the whole; it is necessary, is it not, to make that distinction?
Yes.

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288. Do you not think that, although you may have in a prison cells which are not sufficiently large or well ventilated to be certified, yet that it is very important, even where that is the case, that the prisoners should sleep in separate cells, and should be separated as far as possible consistently with their being employed during the day at hard labour.

Certainly; and at the Bristol prison to which I have alluded, the prisoners are taken out of their cells very much for hard labour, but they are not associated when they are out of their cells; they work in separate sheds. Lately they have abandoned the treadwheel; they used to work the treadwheel, but the prisoners were in separate partitions—every man was shut into his partition, so that no communication could take place between them in the treadmill, but now they have abandoned that system for the purpose of adopting productive labour, which has been carried on to a very great extent by the present governor.

289. In your opinion, in the case of old gaols, where it would be very difficult, except at a very large expense, or by the construction of a new gaol, thoroughly to carry out what is called the separate system, is it not the best plan to do as is done in the Bristol gaol, namely, to separate the prisoners at night, and to employ them in work during the day, separating them one from another whilst they are at work?

Yes, if it can be done; and it can be done by the exercise of a due degree of care and ingenuity on the part of the governor.

290. My object in asking the question is this, that there are a great number of gaols throughout the country in which the separate system could not be completely carried out, and yet a very great improvement might be made in the system, by adopting it partially; and I wish to ascertain your opinion, whether that partial adoption of the system would not be, practically, a very good object to aim at.

Certainly; I am of that opinion.

291. Earl *Cathcart.*] What is the most glaring example that you are acquainted with, of the evils of association in a prison within your district?

Perhaps the most glaring example of that is the one that has been mentioned, that is to say, the prison where two prisoners slept in one bed.

292. You do not refer, do you, to Coldbath Fields?

No; they have never arrived at that in Coldbath Fields.

293. Do you mean, that at the present moment two prisoners sleep in one bed in the case that you refer to?

No; that is not the case now.

294. What is the worst example at the present moment?

I suppose that when the Falmouth Prison is full, that is about the worst.

295. Which would be the next to that?

Coldbath Fields is very bad in that respect now; but 300 separate cells are in the course of erection there.

296. Do you think it is absolutely essential that some measures should be taken to prevent communication, where prisoners are associated?

Yes; I think so.

297. You probably mean, that that should be done by legislation?

Yes; by giving greater power than exists at present, to insist upon the prisoners in the smaller gaols being sent to the well provided county gaols or borough gaols in the neighbourhood.

298. You are clearly of opinion that such are the evils of association that measures ought to be taken at once to put a stop to the system entirely?

Yes, I do think so; and I say this not merely upon moral grounds, but upon political grounds also; because I am quite sure that the thing which has contributed more than any other to getting employment for the prisoners after their discharge from prison, is the conviction that is entertained in the neighbourhood of those prisons which are conducted on the separate system that no additional criminality can have been derived by a prisoner during his residence in the gaol; that is to say, that he has not been allowed to associate with

with the other prisoners, and that, at any rate, he is not any the worse for his imprisonment.

299. Would it surprise you to be told that in one prison there was a prostitute associated with a young woman who had before been tolerably decent in her conduct, and that arrangements were made by which the prostitute induced this girl, who was formerly comparatively innocent, to come to her house and become afterwards a prostitute; would it be confirmed by your experience that such a circumstance might occur?

That such things have occurred I have not the least doubt.

300. Would you be surprised to hear that a burglary, with violence, has been concocted upon the treadmill between two prisoners?

I should not be surprised at it.

301. There was a curious instance in which a very dangerous burglary was planned in Winchester Gaol between two prisoners, who were afterwards executed for the same offence?

It would not surprise me that such a thing should occur in associated prisons.

302. *Chairman.*] Would not such communication be impossible, or next to impossible, on the treadmill if there were separate compartments in which the prisoners were confined.

Yes, if they were sufficiently well constructed, and if the prisoners in the intervals of rest were kept as separate as they are on the treadmill; but that is not always the case; I have seen prisoners who are separated on the wheel sitting upon the bench in front of the wheel in the intervals of rest.

303. Lord *Wodehouse.*] Is it not easy to guard against that by making the prisoners sit down during the intervals of rest, and always having the officers continually walking up and down in front of the prisoners to see that they cannot converse?

That may be done by proper care, or they may sit in separate compartments.

304. Earl *Cathcart.*] Is not communication on the treadmill a great source of prison crime and punishment.

There are very few prisons in which the prisoners are not now separated on the treadmill by partitions, but it is not invariably so; in the great prison at Worcester it is not so on all the treadmills.

305. Lord *Wodehouse.*] Would you be prepared to go so far as to say that in any associated gaol where the system of association is kept up, you would recommend that it should be discontinued even though it be a county gaol?

Yes, certainly.

306. *Chairman.*] In fact, you would recommend that the law should enforce a general system of separation throughout the country?

I should recommend that most strenuously.

307. Earl of *Romney.*] May I ask whether your object has regard to the benefit of the prisoner or to the benefit of the public?

Both; first, as regards the prisoner, that it would prevent his being further contaminated; and it affects the public, because, of course the comparative innocence of a prisoner is a very great object to them, and they can also more safely take the prisoner into their employ after he goes out of gaol.

308. You think it a decidedly good plan for reforming a man to shut him up in a room by himself, and let him see no one.

Not to let him associate with other prisoners.

309. You mean that he shall associate with nobody else on terms of equality because his intercourse is confined to the turnkey, who is a respectable man, or the chaplain, or the warder.

The turnkey is superior only in being respectable; many of the turnkeys are quite as illiterate as the prisoners.

310. Do you think that from his being shut up in that way there is any probability of his reformation?

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Provided that the confinement be attended with other means. I do not think that merely shutting the man up is sufficient.

311. Were you ever in a prison, or did you ever know a prison under the old prison system where the men associated in the yards?
Yes; many.

312. You think that is an undoubted evil?
Decidedly so.

313. Do you think that there was no good in the habit that a man might learn in that association, of restraining his temper and the habits that he had been indulging in towards other men?
I do not think that self-control would be so likely to result as the excitement of temper. The quarrels were very great. I have known prisoners fight in the day-rooms from quarrels taking place between them.

314. Have you ever known an instance of a man who began to fight when he came in, becoming afterwards, through being compelled to restrain himself, a very quiet man?
I cannot say that I have when the prisoners have been in association.

315. Marquess of *Salisbury*.] What other means of reformation do you allude to besides imprisonment?
Labour and education.

316. Earl *Cathcart*.] When prisoners are associated, it would be impossible, would it not, for any man more decent than the others to pray or meditate, or anything of that sort, without being mocked by his comrades?
Quite so.

317. The sum of what you say is this: with regard to contamination, that if evil communications corrupt good manners they will certainly much more corrupt bad ones?
Yes; the better disposed will very soon sink to the level of the worst, and there is very little chance that the worst will be improved by association.

318. Earl of *Romney*.] When I talk of associated prisoners, I do not mean that the prisoners are associated during the night, but in separate cells at night and associated during the day; do not you think that an improvement might be made with regard to classification, if instead of classifying them as under the Act of the 4th of George the Fourth, according to the offences for which the man is now in prison, they were classified, according to the knowledge and experience of the keeper and of the visiting justices?
Yes; they are very seldom classified according to the 4th of George the Fourth.

319. But they must be so in associated prisons, must they not?
Yes, they must.

319.* In associated prisons if it were left to the discretion of those who know from the look of a prisoner immediately what sort of a man he is, and if they were placed according to what was known of them, and not according to the offence for which they happened to be imprisoned at the present moment, do not you think that that might be a very great advantage over the present system?
I think it might, and it is done in some instances, even though there is not the sanction of the law for it.

320. It is a violation of the Act of Parliament, is it not?
It is so, but the governors sometimes take the responsibility of removing a prisoner from his class if they think that he is very much less contaminated than the others in the room, and of putting him by himself.

321. Then, if they were associated in that way, might not this happen, that by being in society together, so far from doing themselves harm, very often a man of uncontrolled temper might be obliged to yield to others, and he might become a better man in consequence?
That is possible, but I should not be sanguine as to such an effect.

322. Duke of *Marlborough*.] Would not the probability lie very much in the other direction, and that if a man is predisposed to lose his temper if he found that

that others were equally predisposed, it might in all probability aggravate him?
I should rather expect that effect myself.

323. Lord *Wodehouse.*] I collect it to be your opinion that, apart from all other questions of discipline, it is conclusively in favour of separating the prisoners, and that in no other way can you avoid contamination?
Yes.

324. And that you think that that negative good is certain to be obtained by separating them?
Yes.

325. And that any possible advantages which might result from association are quite certain to be overbalanced by the certain evils which must result from their being contaminated?
That is quite my opinion.

326. Earl *Cathcart.*] Would it not be cruel, as well as unjust, supposing that a man is innocent, and is committed for trial, that he should be herded with a number of the worst possible characters, and should be associated with them?
Such a thing would never be in accordance with my experience.

327. In associated prisons that must be done, must it not?
Whenever I find it out I always object to it very strongly.

328. A man with tolerable decency of feeling would much prefer being kept by himself instead of being mixed up with a number of bad characters, would he not?
Undoubtedly; but a man committed for trial is not necessarily better than those who are convicted; but when a decent man is in an associated prison the governor generally puts him into a room by himself if he can.

329. *Chairman.*] The Committee would wish to have some information with regard to the executive staff of officers in the prisons; can you state what the general staff of any ordinary certified prison comprises?
Nothing can be more various than the proportion which the officers bear to the prisoners.

330. Would you be good enough first to state what the different officers are, without regard to the proportion?
There is a governor, and where the prison is large there is commonly a deputy-governor; a certain number of warders (which is a very varying number in different prisons), a chaplain, and in very large prisons an assistant chaplain, or a second chaplain with equal powers with the first. If the prison is on the separate system there is an engineer for the management of the fires, and indeed for general repairs, which are continually wanted, a cook, a gate-porter, a surgeon, a schoolmaster, a matron, and trades' instructors generally; but the warders are generally chosen on account of their proficiency in trades, so that they may be able to instruct the prisoners.

331. The appointment of the governor rests with the sheriff, does it not, in certain cases?
In most gaols I think that originally the sheriff had the appointment, but it is now very rarely made by the sheriff; the appointment is generally made by the Quarter Sessions.

332. And in boroughs, how is it made?
In boroughs it is made by the magistrates.

333. *Lord President.*] By the Quarter Sessions you mean the magistrates in Quarter Sessions?
Yes.

334. Marquess of *Salisbury.*] The sheriff has no power to pay the governor?
No.

335. And, therefore, it entirely falls into the hands of the magistrates?
Just so; I have known an instance where the sheriff made the appointment, and where the man was incompetent and the salary was withdrawn.

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336. Earl *Romney.*] Is it not the fact that the sheriff always appoints the keeper of the gaol?

I believe that the sheriff has a voice in the appointment; but as the keeper of the gaol is always the keeper also of the house of correction, he is generally appointed first as keeper by the magistrates and accepted by the sheriff.

337. It is the case that the sheriff appoints the gaoler, and the magistrates the keeper of the house of correction?

Yes; but now that the prisons are combined, there is combined action in the appointment.

338. *Lord Steward.*] Practically the united office of gaoler and keeper of the house of correction is filled up by the appointment of the magistrates assembled at Quarter Sessions?

Yes, I think it is; but as gaoler he must be confirmed by the sheriff, because he has the care of the debtors, and gives security to the sheriff for them.

339. Earl of *Malmesbury.*] If the sheriff appoints the gaoler, who has the authority to dismiss him in case of misconduct?

I apprehend that the sheriff has the power to dismiss him as gaoler, but not as governor of the house of correction.

340. Then a complaint must first be made to the sheriff of the misconduct of the gaoler before he can be got rid of?

The practice is different in different places, I believe, and in boroughs and in counties. I have one case in my mind where the Secretary of State called upon the justices to dismiss a gaoler; in that case the gaoler was appointed by the bailiff, and he refused to dismiss him. Therefore the same power that appointed him had the power of dismissing him in that case; but there it was not the sheriff, but the bailiff of the borough.

341. In that case the Secretary of State did not consider that the gaoler was the officer of the sheriff?

No, certainly not, but that was in a borough.

342. Earl *Cathcart.*] Do not the justices pay him a certain part of his salary; he receives fees from the sheriff, but his salary is paid by the magistrates, is it not?

I believe that the justices pay him all; I do not think that the sheriff pays the gaoler.

343. Lord *Wodehouse.*] It is provided in the Act of the 4th of George the Fourth, that the magistrates shall fix the salary, both of keepers of gaols and the keepers of prisons?

That is what I say; that the magistrates certainly pay them.

344. Duke of *Marlborough.*] Is it supposed that the magistrates do not appoint the gaoler, but only the keeper of the house of correction?

They appoint the keeper of the house of correction, and as they never have two separate officers, the keeper of the house of correction is accepted by the sheriff as the gaoler, and gives security to the sheriff for the debtors.

345. *Chairman.*] Can you state what is the maximum salary of a governor in your district?

I believe 600 *l.*

346. And what is the minimum?

That is very low indeed; 20 *l.* or even less.

347. Those two salaries imply an entirely different class of people, from which the governors are selected?

Yes, entirely; the highest salary in my district is that of the governor of the Middlesex House of Correction.

348. Duke of *Marlborough.*] Have you ever known any inconvenience arise from the appointment of the gaoler being vested in the sheriff, while that of the keeper of the prison is in the magistrates, from the fact of the two being combined in one person, and the sheriff not sanctioning the appointment made by the magistrates of the keeper of the house of correction?

I have

I have never known any such case of inconvenience. The only inconvenience that I recollect, is where a gaoler having been appointed by the sheriff and found to be incompetent for his office, the magistrates reduced his salary with a view to leading to his resignation. That is the only instance which has occurred within my knowledge, and that was many years ago.

349. Did it lead to his resignation in that instance?
Yes, it did.

350. *Chairman.*] I presume that the case of the dismissal of a governor is a very rare case?
It has been recommended by the Secretary of State, in two instances within my district, in my time, and in each case resisted by the magistrates, and the magistrates carried the point. In the first case, the man was afterwards guilty of forgery upon the county to a very large extent, and he was prosecuted and transported; and in the other case the gaoler still remains.

351. Earl *Cathcart.*] With reference to the number of debtors confined in prisons, it is very greatly reduced now, is it not?
Yes, it is very much reduced.

352. Therefore, in the prisons the debtors are pretty well accommodated now?
Yes, there is generally very much more room than is required for debtors, and only within the last week I have pointed out a change which might be made in taking some of the debtors' cells for criminals.

353. Do not you consider that the class of persons appointed as governors are generally superior to what they were some time ago with reference to intelligence, and so on?
Yes, they are men of intelligence and social position who are appointed now, but I am not sure that that is always a security for their competence for the office.

354. Within your experience has the class of persons who are appointed as governors of prisons improved in intelligence and in position?
In intelligence and social position certainly, but not always, as I have said, in fitness for the office. I should myself rather prefer promoting a good officer from the lower ranks than bringing in a stranger who has never seen a prison in his life perhaps, and whose only acquaintance is with military discipline. I do not mean that to apply to all instances of the kind, for I have known some very good military governors, but I do not think that military education is the best preparation for the office of governor of a prison in all cases.

355. *Chairman.*] What are the faults that a military education tend to develope in the management of a gaol?
It leads the governor to treat prisoners in a mass rather than as individuals.

356. Your opinion being that you ought to individualise the treatment as much as possible?
Yes; and that the characters of the men should be studied.

357. Earl of *Romney.*] Military governors rather like to govern by means of the turnkeys than by knowing the prisoners themselves personally?
Yes, that is frequently the tendency.

358. *Chairman.*] Would it not be impossible, in a gaol with 800 or 900 prisoners, for the governor to individualise to the extent of personally being acquainted with the characters of his prisoners.
If it were adopted amongst the subordinate officers that system of individualisation might be carried out very well. I do not mean to say that the governor himself is to be the sole means of carrying it out, but if he inculcates that system amongst his inferior officers, they may all assist in the work, and that a military man is very little likely to do; and on that account I have frequently seen instances where military governors are too much, as I have thought, disposed to rule by military discipline, and by general rules, rather than by individual means.

359. *Lord Steward.*] Do you not think that a good commanding officer of a regiment endeavours, either by himself or by his subordinate officers, to make himself

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himself acquainted with the character of each individual soldier under his command?

I do believe that that happens sometimes, and on that account I have said that there are exceptions to the rule which I have laid down. I have known military officers who have had that tendency, but I do not think that a military education leads to that tendency, and probably those men would have cultivated the habit of individualisation more if they had been civilians.

360. Is not that the practice of every good commanding officer?
I am not sufficiently acquainted with the discipline of the army to say.

361. Earl *Cathcart.*] Are you not aware that it is the duty of the captain of a company to know every man of his company, and in his own handwriting, or that of the officers of the company, to record every offence committed by every man in his company?
I presume it is; but I was not aware of the rule.

362. *Chairman.*] Passing now to the subordinate officers in the gaol, what are the limits of the salaries which are generally assigned in certified gaols?
Generally speaking, I think the highest salaries in the county gaols are about 70 *l.* a year to the subordinate officers, and 200 *l.* or 300 *l.* a year to the deputy governor.

363. From what class, as a general rule, are the disciplinary officers of a prison taken?
Many are pensioned soldiers; many are countrymen hired from the neighbourhood, and some are policemen.

364. As a class, do you entertain a favourable opinion of them?
Yes, I do; I think that there are among them a great many very competent men.

365. Do you consider that the work is effectively done?
Yes; I think it is, generally.

366. Earl *Cathcart.*] You have mentioned in your report, the case of a chief warder who was dismissed for having carried communications between prisoner and prisoner.
Yes, I have known such instances; I am not speaking of their being invariably fit men, but I was asked what was my general impression of them, and I think that most of the prisons contain some very good officers.

367. Is it invariably the rule that they live within the walls of the prison?
No.

368. In the majority of instances, what is the case?
There are generally some that live within the walls, and others in the towns.

369. Do you conceive that it is an objectionable principle that they should live without the walls?
Yes, I think it would be much better if they could live within, but it is very difficult to provide accommodation for them within.

370. Under the regulations of most gaols, are they armed?
No.

371. Do you conceive it desirable that they should be unarmed?
Yes. I do not think that it is desirable in general that they should be armed.

372. Is there generally a sufficient force at hand to support them in every gaol?
Yes, there is generally sufficient force of officers; but combination among the prisoners is very uncommon, and when a prisoner attacks an officer, there are generally two or three ready to assist the officer against him.

373. *Lord Steward.*] Is the period of imprisonment in gaols and houses of correction sufficiently long to enable the officers to become acquainted with the character of a prisoner?
The confinement in gaols and houses of correction sometimes goes up to three years, and often to two, but that is a very small proportion; a great many are confined for six months or for three months.

374. Earl

374. Earl *Cathcart.*] Could you tell their Lordships of the case of a woman who was confined in a gaol, in which gaol her own husband was a warder?
Yes, I have heard of such a case.

375. I presume such cases as that do not occur frequently, and ought not to occur at all?
They are not likely to occur frequently, but I do not see how they are to be avoided; sometimes a woman having been guilty of an offence, say an assault in the town in which she resides, if she is committed to prison at all, must be sent to that prison where her husband may happen to be an officer; and I do not see how that is to be avoided.

376. *Chairman.*] What is the proportion of officers that you consider necessary to a prison?
That depends very much upon the construction of the prisons; those that are best constructed, such as are built at the present day, require a smaller number of officers than other prisons, which have been altered, perhaps, from the old system to the new. It is difficult to say exactly what proportion is wanted, because the number of prisoners varies so much, and the number of officers cannot be made to vary in the same proportion.

377. Must not the proportion of officers be much greater where, under any system, you give the prisoners facilities for out-of-door exercise, for agricultural employment, for trades, instructions in various branches, and for frequent occasions of passing to and fro in different parts of the prison?
Yes, certainly the proportion must be greater in such cases; and in prisons where the prisoners work in association, as at Cold Bath Fields and as at the Westminster Bridewell, the number of officers must be very large to keep up a continual supervision over them. The prisons that require the smallest number of officers are those on the separate system, where the prisoners work in their cells.

378. And where that system is carried out most strictly?
Yes.

379. As regards the prisoners themselves, are they allowed in any gaols to see their friends?
They are, under certain restrictions, and at long intervals of time.

380. Is there always a specified interval between each visit?
It is almost invariably three months.

381. Are they separated by any gratings at those interviews?
They are. They never can approach each other so as to convey anything from the one to the other, and an officer is generally or almost invariably placed in the interval between them.

382. What is the interval of time in ordinary cases which is required to elapse between visit and visit?
Three months.

383. Are they allowed to receive letters?
One letter in the interval; so that they have one letter every three months, and one visit every three months; that is the ordinary rule.

384. Are they allowed to write letters?
Yes; they are allowed to write one letter.

385. Is that treated as a matter of indulgence, or is it limited to particular classes, or is it thrown open to the whole of the prisoners within the gaol?
It is a standing rule that a convicted prisoner shall be allowed to write once in three months, but he may forfeit that privilege by bad behaviour, and his letter may be postponed for some time.

386. Are you aware whether this privilege of communicating operates on the minds of prisoners as an inducement to good conduct?
I think it is a good rule in that respect. I think that keeping up a man's association with his home has a good and humanising influence, particularly as the letters are always seen, and as the prisoner is aware that his letters will be seen; but there are a great many instances in which a prisoner cannot write,

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write, and then the letter is written for him by one of the officers of the prison.

387. Would you say that that holds good in the case of a man taken from what I may call the habitual class of thief?
That would depend upon the person with whom he communicates. There are some persons whom it would be certainly desirable to deprive altogether of the privilege, especially if they wrote anything which was at all objectionable; but they cannot make any communications which are very objectionable without their being discovered by the officers who read the letter.

388. Earl *Cathcart.*] In cases where humanity requires it, and there is any good reason for it, do the visiting justices relax the rule, and allow letters to be written at a shorter interval than three months?
Yes, they do by special order.

389. *Chairman.*] It must be a special order from the visiting justices, must it not?
Yes.

390. Are you aware of any gaols in which prisoners are allowed to undertake any particular duties in the management of the prison, such as instructing other prisoners, or acting themselves as turnkeys or warders?
I have known two or three instances where they have been allowed to assist in the instruction of other prisoners; and I have pointed out that it was contrary to law at present. I have sometimes regretted that the law was so stringent upon that point, inasmuch as I have known men of education who would have been very competent instructors of the other prisoners, and who, I have thought, might have been made to assist in the education of prisoners; but the law is very strict upon that point, that no prisoner should be employed in the management of a prison, or in the control of other prisoners.

391. When you speak of the law, do you mean under the statute?
Yes.

392. Would it not be very objectionable to relax that rule, and to enable the prisoners to be turned into monitors?
If it were extensively done, it would be very injurious indeed. It is frequently done in convict prisons; and I have known instances where I have thought it would be useful in other prisons; for instance, I have known a clergyman to be in prison, who, although guilty of an offence sufficient to bring him there, was, generally speaking, a good moral man, and who would not have corrupted the prisoners who were put under his care, and who really might have been made useful in the instruction of the prisoners.

393. Are there any instances in your district where prisoners have been allowed to go beyond the walls of the prison on messages, either for the governor or any other officer?
I have sometimes discovered it, and have always treated it as an illegal proceeding, and have remonstrated with the authorities upon it.

394. Are you aware whether it exists at all, as a practice, in any gaol?
In some.

395. At this moment?
I hope not. I have remonstrated against it, and have received promises that it should be discontinued.

396. Do you consider it to be a desirable thing that the prisoners should be employed outside the walls of the gaol, or even inside the walls of the gaol, in the repairs of particular parts of the building?
I have no objection to their being employed inside the gaol, but certainly outside the gaol I think it is very objectionable.

397. Are you aware whether that has been done?
Yes, I am sure it has, in some cases.

398. Has it been done frequently?
No, very seldom.

399. In

399. In what gaol has that been done?
In Montgomery I remember an instance of it, and I think in Winchester and in Bodmin too.

400. Earl of *Romney.*] When you say outside the gaol, the sessions house may be close adjoining to the gaol, and it may be that sort of case in which the prisoners have been employed outside?
In the case that I allude to at Montgomery, the prisoners were allowed to go quite outside the prison, and assist in bringing in coals, and some of them ran away in consequence; and the same occurred at Bodmin.

401. In those cases they were employed within what may be called the curtilage of the prison?
It was close by.

402. It was merely for the purpose of doing the work of the prison?
Yes.

403. Earl *Cathcart.*] Are we to understand you, that it is possible at this moment, that prisoners may be sent out of the prison upon messages?
No, I have never myself known an instance of that kind.

404. Have there not been two instances of men escaping this year, in consequence of their being employed in sweeping outside the prison door, and taking advantage of the opportunity to escape?
Yes.

405. Are you aware that it was frequently the practice at one time to send prisoners out upon messages?
I have heard so, but that was before my time; I have never known an instance of it within the last 20 years.

406. Earl of *Romney.*] Do you think it is objectionable that out of 20 men, one man should be selected occasionally to have the charge over the others?
Yes, I do think that is objectionable.

407. Why?
I think that the prisoners feel less disposed to be subordinate to that sort of authority, and it is difficult to know whether a man is deserving of the trust.

408. But in doing prison work, supposing men have to wheel up coals, one man is put as a sort of foreman over them?
I would never do that; I would always put them under an officer's direction. In some prisons they employ prisoners as cooks; but I would never have that done if I could help it, without having an officer over the prisoner.

409. Do you think that if the turnkeys and others in authority, seeing that a man is behaving himself well, were to select him and put him forward over the others in that way, that would produce no good effect in showing that their good conduct is observed and respected, and that they thereby gain the approbation of their superiors?
I do not think, speaking theoretically, that it is likely to be so; I have never seen it in practice, but I know that the practice was discontinued in consequence of its being thought very injurious.

410. Lord *Wodehouse.*] You stated that you thought there might be some advantage in allowing prisoners who are well behaved to assist in the education of the other prisoners; do you think that such an arrangement is consistent with the proper punishment of those persons who would be so employed?
In the instances that I have known, and where I have thought it would be desirable, the persons were not capable of doing hard labour, and were not employed at hard labour, and therefore it would have been no alleviation of their punishment to allow them to become schoolmasters to the other prisoners.

411. Do not you think that it would be a considerable alleviation to their punishment for educated men to be allowed to be employed in the work of instruction?
It would give them a kind of satisfaction, but at the same time it would be a very exalted satisfaction—it would not be an indulgence of a dangerous kind.

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412. Earl *Cathcart.*] Besides which, the cases are so very few in which it could be done?

Yes.

413. *Chairman.*] Is not a relief granted to one prisoner which is not extended to another, an injustice to the others, and so far prejudicial to your whole system?

I do not think that that kind of indulgence, supposing it is an indulgence, would be looked upon with envy by the other prisoners—they would be extremely grateful for the assistance rendered to them. I do not think they would consider that the man who was put over them as an instructor was particularly indulged by that Act.

414. Earl of *Malmesbury.*] It would be rather a laborious office, would it not?

Yes.

415. Earl *Cathcart.*] If they were employed in the governor's garden, would not it be rather an indulgence?

Yes, but they are not permitted by law to do any work in the service of the governor.

416. It is done sometimes, is it not?

It is done sometimes, but very rarely, or else it is denied. I have not myself seen those instances often.

417. There was a case mentioned in your report, of a prisoner who was employed to nurse another sick prisoner and he caught the infection and died; he was a sort of volunteer, I presume?

Yes, he was a volunteer.

418. *Chairman.*] Is there not a practice in some gaols of giving gratuities to prisoners?

There is; there are gratuities of two kinds, one of that kind which is permitted by law, namely, the advance of a certain sum of money to carry the prisoner home; but in some other prisons (although very few) it is carried further, and a man is rewarded for good conduct by having periodically a star put upon his arm, until perhaps, if he is long enough in prison, he may have seven or eight stars upon his arm, and at the end of his time, if he has not forfeited any of those stars by subsequent bad conduct, he receives a sum of money for each star. In Coldbath Fields he gets half-a-crown.

419. What is the maximum which it is possible for earnings of that description to amount to?

If a man were two years in confinement he would get 1 *l.*

420. Duke of *Marlborough.*] Do you think that it is a sufficient inducement to him to endeavour to maintain his good conduct?

It operates very well indeed. I am not sure that it is legal under the present state of the law.

421. Marquess of *Salisbury.*] Is that a regulation in Coldbath Fields?

It is a regulation in that particular prison.

422. Has it been lately adopted?

I think it must be three or four years old.

423. Have you found any improvement result in the appearance and conduct of the prisoners in consequence?

Yes, it has diminished the number of punishments very much, because a prisoner is afraid of forfeiting his star by being put into punishment.

424. Duke of *Marlborough.*] Has the system of marks for good conduct been brought within your observation in any other instance of prison discipline in the case of county prisons?

Not any.

425. Earl *Cathcart.*] Has the Act of Parliament of last Session giving power to give additional assistance to prisoners on leaving prison been acted upon?

It has been acted upon in very few prisons, I believe, as yet.

426. Probably that would be advantageous in the long run ?
I think if that were done to any considerable extent, it would, perhaps, raise an outcry among the ratepayers against the expense; but it is done in Birmingham now: but then the Birmingham Prisoners' Aid Society was established before, and this Act was in some measure passed to assist that society.

427. Are you inclined to think that the Prisoners' Aid Society, being a charitable institution, ought to be supported rather by voluntary subscriptions than by an assessment upon the county rates ?
Yes, I think it ought.

428. *Chairman.*] When you state that for good conduct a prisoner receives so many stars, and for so many stars so much money, what do you mean by good conduct ?
I mean only in a negative sense, that he has not been reported for any bad conduct. There is no instance, that I am aware of, in any prison (I wish there were) where good conduct is substantively rewarded.

429. Good conduct in prison, in fact, is nothing positive ?
Good conduct in prison means avoiding reports and punishment.

430. But it involves no substantive act on the part of the prisoner ?
It does not.

431. Marquess of *Salisbury.*] Have you known any instances of prisoners wishing to merit approbation by being more industrious ?
Yes, many instances; the mere love of approbation operates very strongly upon them; there is a great emulation as to the amount of labour that they perform in many prisons.

432. *Chairman.*] Is there not a wide difference between giving money for positive labour done by a prisoner whilst he is in confinement, and money given for the negative virtue of not committing any breach of prison rules ?
There is a great difference in that, and in its moral effect also.

433. Is not the principle perfectly different ?
Yes, certainly.

434. Duke of *Marlborough.*] Did I rightly understand you to say, that there is great emulation among the prisoners as to the amount of work performed ?
Yes, where that work is of a productive and valuable kind; as, for instance, in mat-making, and other things of that sort, the prisoners exert themselves; and are proud of being told that they have made the greatest number of mats in the prison.

435. Does that feeling exist where the prisoner does not derive any advantage from the work ?
It does; indeed they never receive any pecuniary advantage from it in county and borough prisons.

436. Is it your opinion that productive labour is always preferable to unproductive labour in prisons ?
I think it is; I think its moral effect is better, besides the economical effect of it.

437. Marquess of *Salisbury.*] Have you had any opportunity of judging how far the reformation or pretended reformation of prisoners is real ?
I have been able to trace many instances myself, and have heard from chaplains and other officers of prisons many more, where prisoners after their discharge have got into employment, and have done extremely well afterwards, and have not for many years, during which my observation has extended, come back to prison.

438. What class of prisoners were those ?
Those very favourable cases were generally in agricultural districts, where men commit small offences, and their masters feel that they have been sufficiently punished by being sent to prison, and they take them into their employment again in some out of doors occupation after they are discharged, and the men are grateful, and they do very well afterwards.

 439. Then

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439. Then your observation does not apply to large towns?
Not so much so.

440. Or where they are liable to fall into bad company?
No; the prisoners in towns have much greater difficulty in getting employment, partly because the great majority of servants are obliged to be in-doors (their work being in-door work); and also, partly because men in the same factories will not work with them. There is a very strong prejudice in the minds of workpeople in towns against working with men who have been in prison. I do not think there is the same prejudice in the country, as far as my observation goes. I think that agricultural labourers have no objection to a man being employed as a carter, or what not, in the same employ as themselves, if he has been in prison. They look more charitably upon those things in the country; but in towns it is extremely difficult for men who have been in prison to get into any employment.

441. Viscount *Eversley.*] But that does not apply equally to prisons under the separate system and under the associated system?
Certainly not, equally; but taking the separate system prisons in the rural districts and those in towns, the prisoners on their discharge from the former would get into employment much sooner than those discharged from the latter.

442. There is less reluctance to employ a man who has been confined in a prison under the separate system?
Yes, both in towns and in the country.

443. Earl *Cathcart.*] But outward good conduct in prison is not any proof of moral reformation, is it?
Certainly not.

444. Marquess of *Salisbury.*] Are not the best conducted prisoners very often the worst criminals?
Those who have been in prison many times learn to conform to the rules at once, and they have very few reports against them. The men who are in for the first time, and who are therefore less guilty probably than the others, are more intolerant of control and more irritable, and more inclined to fall out with the officers, and to get into trouble, than the old experienced hands who have been in often.

445. Have you had any opportunity of judging which is preferable, a short and severe confinement or a long confinement?
I think that confinement may be too long; one great advantage which was proposed to the public from the adoption of the system of separate confinement was that the sentences would be shorter, that much more good might be effected in a given time by that system than by the old system, and that therefore the sentences might be shorter, but I do not think that that is very much the case, as far as my observation goes. There are as long sentences passed now as there were in the time when the prisons were upon the associated system. I think that it is better to give a smart sentence at first than to send a person to prison just long enough to learn that it is not so terrible a place as he expected. It is better to keep him there for some time at some inconvenience to himself, and also for the purpose of instruction, especially if he is young; but the system of control which is necessary in different prisons is very different, and the sentences required are very different also, because the people who come into the London prisons are a great deal more knowing in crime than those in the country; and many of the men in country prisons are hardly criminals in intent at all.

446. Lord *Wodehouse.*] May I ask what is the exact meaning of the expression which you have just used, "criminals in intent?"
I mean that they are not criminals by profession, but persons who have rather been led to commit small robberies from the want of something just at the moment, and not concerted robberies; the men have seldom been associated with others in their offences.

447. Upon what experience do you found that opinion, because it would seem to me that, generally speaking, the majority of crimes committed are by persons

persons who are in the habit of thieving and not pursuing any other avocation?

There is a very large class who begin as poachers, and get into idle habits, those idle habits lead to crime indirectly, by making it easier for them to get the means of satisfying their desires by theft than by labour; they get out of the habit of labour, and they find that theft, even with all its risks, is much better to their mind than going through a regular course of toil. Those men, I mean, are mere thieves from idleness; but in the towns it is a regular trade to which people are educated.

448. What I understand you to mean is this, that you would divide criminals into two classes—what may be called criminals by profession, and criminals from idleness.

Yes.

449. Marquess of *Salisbury.*] Does not the greater part of the crime in the rural districts arise from the long score at the back of the beerhouse door?

Yes.

450. In your opinion, which part of the imprisonment does the prisoner feel most deeply, the first part or after a certain period?

The first part generally.

451. Prisoners I presume have told you that very often?

Yes, they have; and it is a very remarkable observation, especially with regard to boys, that they will cry for a few days after they come to prison, and be very much distressed, but afterwards they get as indifferent as the older criminals.

452. Then they become hardened to it at last, and they become very indifferent about it?

Yes.

453. Is not that in a great degree the occasion of the preference which is shown by vagrants to pass the winter months in gaol?

Yes, I suppose it is; it is quite a part of their system in the inclement part of the year to go to prison.

454. Earl *Cathcart.*] It is commonly said that prisoners return to prison because they like it, but that has not been your experience?

No, I do not think so at all.

455. Do you think that when prisoners commit crime they think they will be detected; do not you rather think that it is the chance of impunity which leads them on?

Yes; no man takes into account the punishment which he will endure, because he does not expect that he will be discovered.

456. Criminals generally hope to escape in some way, do they not?

Certainly; the idea that prisoners like coming to prison has originated from the workhouse offences.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, One o'clock.

Die Jovis, 5° Martii 1863.

LORDS PRESENT:

Duke of MARLBOROUGH.	Earl CATHCART.
Marquess of SALISBURY.	Earl of DUCIE.
LORD STEWARD.	Earl of DUDLEY.
Earl of CARNARVON.	Lord WODEHOUSE.
Earl of MALMESBURY.	Lord LYVEDEN.
Earl of ROMNEY.	

THE EARL OF CARNARVON, in the Chair.

JOHN GEORGE PERRY, Esquire, is again called in, and further examined, as follows:

457. *Lord Steward.*] I THINK you stated to the Committee on Tuesday, that you thought it better that one of the inferior officers or warders should be promoted to the office of governor of a prison, rather than that a military officer, inexperienced in the management of gaols, should be appointed to that office; and you stated that the warders were chiefly selected from amongst pensioned soldiers and men of the labouring class in the neighbourhood; are the Committee to understand that it is your opinion that the experience gained by men of that class more than counterbalances the advantage arising from the superior education, cultivated minds, and habits of command which military officers may be supposed to possess?

The pensioned soldiers whom I alluded to are seldom employed in county and borough gaols; persons in the neighbourhood are generally employed (I did not mean to imply that they were of the class of labourers), and I meant merely to say that where an officer had served long in a gaol, and was qualified to take the office, I thought he ought to be rather preferred; because he is acquainted with the discipline of the prison, or of prisons generally, and also because it would be an encouragement to other good officers to see that they had a chance of rising to the first appointment. But, *cæteris paribus*, supposing the two persons had had equal experience, or study of the subject, I, of course, do not consider that a man of inferior education would be preferable.

458. What I asked you was, whether you thought the experience acquired by those men as warders counterbalanced the advantages of education, and so forth, which are possessed by military officers?

I think that their experience in the prison, and their habit of rule over those below them (for many have been raised to be chief warders or deputy governors, and have thus had the means of showing their fitness for positions of command), would render them very fit for the higher office; and there are a great many very striking instances which I could name in the district over which I have inspection, of officers who have risen from the ranks in that way, and who have made most excellent governors.

459. Earl *Cathcart.*] Is it not your opinion that it is very desirable that a person who is called upon continually to be in confidential communication with the Visiting Justices should be a person with gentlemanlike feelings and views?

That is an additional recommendation, no doubt; but I do not know that it is equal to the recommendation of diligence and knowledge of his duties, and, in fact,

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fact, it is not equal in value to the quality of condescending to look after the work of the prisoners. A gentleman who has long been in a high position is very little likely to exert himself, and to take much pains in pushing the work of the prisoners on, or in obtaining a sale for it, and so forth; and in many respects, therefore, a man of inferior position may be better.

460. Earl of *Malmesbury.*] In fact, you appear to prefer practical experience to polished accomplishments?
Yes, I do.

461. *Chairman.*] We will proceed now to consider the question of hard labour. The treadwheel, I presume, is one of the engines which is most in use in prisons?
Yes, it is, perhaps, the most in use; although it has been discontinued in a great many prisons, and superseded by trades and different forms of industrial labour.

462. Can you put in any returns which will specify those prisons in which the treadwheel is still in use, and those in which it is disused?
Since I heard that the obtaining of information upon that point was likely to be the desire of the Committee, I have made a rough return of it, which is not fit at this moment to be put in, but from which I could answer any questions which the Committee might wish to put to me.

463. Perhaps you will put it in at a later period of the inquiry?
Yes, I will do so.

464. Speaking generally, what are the number of working hours during which the treadwheel is in motion with reference to each individual prison?
That would depend very much upon the size of the treadwheel, and the number of prisoners who may be sentenced to hard labour. Supposing that the treadwheel will hold 20 at a time, there will be 40 men employed; that is, 20 on and 20 off, with the interval of rest; and if there were only 40 prisoners in a gaol sentenced to hard labour, they might work for six or eight hours a day; but if the number very far exceeds the space upon the treadwheel, of course they can only work for shorter periods in proportion.

465. Can you state what is the case generally?
I think, generally speaking, they work six hours at least, or perhaps sometimes eight; but it varies in the winter months and in the summer months on account of the daylight.

466. Are those six and those eight hours subject always to the relief which you just alluded to?
Yes, always; but in varying proportion.

467. In your opinion, is one-half of the time the proper relief which is necessary?
It is quite enough.

468. Is it too much?
Judging from the practice in some prisons, I should say that it is; sometimes they are off a quarter of an hour, but different men, according to the habits of their previous lives, are more or less qualified to perform the action of the treadwheel. One man who may have been employed in a sedentary occupation, such as that of a shoemaker or a tailor, may be almost killed by that which is very easy labour, and almost a pleasant exercise, to a vagrant who has tramped about the country all his life, and who can walk his 30 miles a day.

469. But, taking the average of prisoners who work upon the treadwheel, do you consider that a relief of one-half of the total time is necessary?
Yes, I think, taking the average, it is necessary.

470. Earl of *Dudley.*] Do you mean a quarter of an hour on and a quarter of an hour off?
Yes, or 20 minutes on and 20 minutes off; the time varies in different prisons.

471. I suppose where the treadwheel has been done away with, and this hard labour does not exist, when a prisoner is sentenced to hard labour, you think it is a mere form without any meaning of any kind?

In

In order to answer that question, one must commence by defining hard labour. I do not think that the nature of the labour makes it hard so much as the amount of labour performed. It may be hard labour to break stones, provided a very large amount of stone is required to be broken up in a day, or it may be even hard labour to make shirts, provided a great many hours are employed at it. On the contrary, it may be very easy labour to work on the treadwheel, provided persons are only on it for an hour or two in the day.

472. *Chairman.*] Generally, I understand from your answers that there is a considerable discrepancy as to the number of hours which the men are employed upon the treadwheel?
Yes, necessarily so.

473. Will you be good enough to state what is the height of the steps in the different treadwheels employed in the different prisons, or whether there is any regular height?
I have found some which differed a little from the mean, judging by my eye, but I think the difference is very slight indeed; they are made very much upon the same models.

474. How many steps are there which are trodden in a minute?
I am hardly prepared at this moment to answer that question.

475. Are you prepared to say that there is a general arrangement as to the number of steps on most of the treadwheels?
No; the same treadwheel will work differently at different times, according to the number of persons on it, and the strength of the resistance. For instance, a treadwheel which grinds corn, where the supply of corn is very small, will work more rapidly with the same number of men than where the supply is large. On the other hand, treadwheels which do no productive work at all, but which are merely resisted by a spring, will work more rapidly or less rapidly according to the number of persons who are placed upon the wheel.

476. But in general are there the same number of steps to every wheel?
Yes, generally 24.

477. And in general are the steps of equal height?
Yes, generally eight inches.

478. What is the total number of steps, under ordinary circumstances, which a prisoner ascends by the hour?
About 1,440.

479. Can you state whether there are any fixed number of revolutions of the wheel either by the hour or by the day in all prisons?
In most prisons they aim at a fixed number; but, as I have mentioned just now, the deviations may be considerable under the circumstances which I described, according to the greater or smaller resistance, and the greater or smaller number of men upon the wheel.

480. Is the machinery in the construction of the wheels uniform as a general rule?
No, not quite so; some are better made than others; some have a jumping motion, which indicates that the cogs are not equally well made.

481. Is the principle of construction the same?
Very much the same.

482. Does the action of the wheel, as applied to the prisoners, vary in duration, either in summer or in winter, with regard to the rate of motion?
No, I think not in the rate of motion, but the duration of the labour varies.

483. Duke of *Marlborough.*] Does the amount of exertion required depend upon the relative diameters of the wheel?
Not altogether; as those accustomed to the work wait for the step to come to them, whereas the inexperienced prisoners raise their feet, as in ascending stairs.

484. The greater the diameter of the wheel the greater the leverage, and consequently the greater the ease with which it would be turned?
Yes.

 485. Are

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485. Are you aware whether, as a rule, the same diameter of wheels is generally adopted in all cases?

Yes, I think it is generally five feet; I think they have been copied one from another, and there is scarcely any perceptible difference in them.

486. Earl *Cathcart.*] Are you not aware that, in the rules of the Secretary of State, it is laid down that there shall be no more than 12,000 feet, and that they have never been able to carry out more than half of that, and that the men cannot stand it?

I am informed that at Cold Bath-fields prison each man performs 15 spells of 720 steps, making 10,800 steps in the day.

487. Is it your impression that the 12,000 feet was ever performed at any time?

I am told by the Governor that in the county prison of Worcester the number is still greater, even amounting to 12,240.

488. *Chairman.*] Are the majority of the treadwheels in your district applied to any productive purpose?

Yes; the majority of them are so applied, if we reckon among the productive purposes the raising of water; there are nine that are applied to the grinding of corn.

489. Is there any difficulty, looking at the construction of the treadwheel, in its being applied to the grinding of corn?

None whatever.

490. Are there partitions on most of the wheels?

Yes, there are now; when I was first acquainted with prisons, 20 years ago, it was very uncommon to see them partitioned, but they have been gradually improving in that respect, and there are very few now which are not so, except in the smaller and more insignificant prisons.

491. Do you believe that the partitions, accompanied with a moderate supervision on the part of a disciplinary officer or two, is sufficient to prevent communication between the prisoners?

Yes, to any considerable extent.

492. Marquess of *Salisbury.*] You stated, did you not, that there is an inconvenience with regard to grinding corn; that at different times the pressure of the wheel is unequal?

I did not mean to be understood as applying that only to the grinding of corn; but I mean that when wheels are ill-constructed, and the cogs are unequal in size, a jumping motion takes place; and with respect to the rapidity or slowness of the motion, that depends upon the degree of resistance, whether it be from grinding corn, or from any other cause.

493. Is there not machinery in most well-conducted wheels that would either increase or diminish the resistance according to the number of persons on the wheel?

Yes, there is generally a lever which may be tightened or otherwise when the resistance of the stones or the pump is insufficient; but it cannot be expected that that should be continually watched by an officer, or that an officer should be always competent to judge when it requires to be tightened.

494. Is not that regulated by the number of prisoners who are put upon the wheel?

Yes. I have said that that is one of the elements which determines the rate of motion: the weight on the wheel and the degree of resistance.

495. Does it not make it a more equal punishment if the wheel is employed without any actual profit in the labour, than if it is adapted to grind corn; and does not that make it a more average amount of labour, and more equal in its operation?

I think that wheels that grind corn, if they are carefully watched and well supplied with corn, work quite as evenly as any other.

406. Earl of *Romney.*] That would be the business of the miller, would it not?
Exactly so.

497. And he could put the corn into a mill, though loaded with prisoners, just as easily as he could do it into mills turned either by wind or water?
Yes.

498. Marquess of *Salisbury.*] If there is an absolute power of regulation where no work is done, and there is not an absolute power of regulation where work is done, of the two would not the more equal motion be where there is no work done?
It seems to me that there is an absolute power of regulating it in either case; either in the case of grinding corn, by keeping it equally supplied, or in the case of mechanical resistance, by keeping it evenly screwed up.

499. Earl *Cathcart.*] There is a screw, is there not, which regulates the speed?
Yes.

500. The motive power of the treadwheel is the weight of the prisoners upon it, and not their exertion?
Just so.

501. Are you aware that in many instances the treadwheel has been given up altogether as a means of punishment?
Yes, in many instances.

502. Do you think it is a desirable mode of infliction of hard labour?
I do not; I think it is very undesirable, on account of the inequality of its operation upon different prisoners.

503. Doctor Trail, the Professor of Medical Jurisprudence in the University of Edinburgh, has lately written a work upon the subject of medical jurisprudence, in which he expresses this opinion. He first states that the treadwheel is a contrivance by which united weight puts the wheel in motion; and he objects to it upon the same grounds that you do, namely, with regard to its inequality; he says it is nothing to an active man, but to the sedentary it is a grievous punishment, giving intolerable pains in the legs and the spine; do you concur in that opinion?
I do entirely.

504. Then he goes on to say that it is an exceedingly cruel punishment to inflict upon females in regard to the female constitution; that it induces female complaints, such as prolapsus, and other complaints of that kind?
No doubt; but it has been discontinued entirely in my district with regard to females.

505. Earl of *Dudley.*] Did not I rightly understand you to say that you think that it ought not to be done away with?
No; I think it is a very bad and unequal mode of punishment.

506. But you stated that in some prisons it had been done away with, and did you not add that you thought it ought not to have been done away with?
I am an advocate for doing away with it altogether when its place can be supplied by industrial labour.

507. Earl *Cathcart.*] Do you not think that a prisoner gets so habituated to the use of the treadwheel, that it becomes a very slight punishment to him?
Even from the beginning it is a very slight punishment to those who have been accustomed to it.

508. Did you ever hear that some prisoners dislike the Sunday for this reason, that they are without the treadwheel on that day?
I never heard of it; it has never come within my own observation.

509. *Chairman.*] Are the Committee to understand you that one of your objections to the use of the treadwheel is the inequality of the amount of punishment which it imposes in different prisons?
No, I meant as regards different prisoners. Allowing for accidental deviation

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it is much the same in different prisons, but I mean that it is a much more severe punishment to some individual prisoners than to others.

510. In that case is there not the same inequality in almost every punishment that you can impose?
No, because in other punishments the labour of the prisoner can be proportioned to his powers.

511. Earl of *Dudley.*] Why may that not be done here?
Because they all work alike upon the treadwheel.

512. What is the gaoler for but to see what a man is capable of, and proportioning his work accordingly?
I mean while they are at work.

513. There would be very few men who are not capable, by their constitution, of going on to the wheel at all in performing their sentence?
But the question is, who is to be the judge; the gaoler cannot judge, on account of the very great difficulty there is of distinguishing between true and feigned complaints on the part of the prisoners.

514. Still every gaoler has eyes in his head, and he sees exactly how a man is built, and he knows what is his general character when he comes in, whether he is a man such as you speak of, or whether he is a man who has been accustomed to sedentary work?
The surgeon would have to judge of that. I do not think that you could trust an uninstructed gaoler.

515. But, generally speaking, our gaolers are not uninstructed, are they?
I mean uninstructed in medicine; the surgeon would examine the state of the prisoner's circulation, which the gaoler would not understand.

516. He has the surgeon by his side to help him in such judgment, has he not?
The surgeon is not always present; but when he is wanted, he would be sent for.

517. Earl of *Romney.*] In a gaol where the sentence of hard labour has to be carried out upon the treadwheel, if the keeper were to exercise any discretion, such as is now suggested, would he not be violating the rules of the prison?
Yes; and he would be encouraging complaints on the part of the prisoners, which it would be very difficult to scrutinize exactly.

518. Would he not be actually assuming a discretion which he has no right to do?
Certainly, under the present law.

519. Earl of *Dudley.*] Does not the gaoler of every prison exercise that discretion every day or hour of his life?
Yes, by the surgeon's recommendation.

520. If the surgeon is not present, does not he take it upon himself to take a man off the wheel if he thinks him incapable of performing the work, and therefore is not that a discretion which is exercised by every gaoler every hour in which the mill is going?
I think he does sometimes; but he cannot always judge of the necessity.

521. Earl *Cathcart.*] You mean to say that it is exceptional where indulgences are given to prisoners?
Yes.

522. Supposing you were to make the gaoler a sort of dictator, and to put it into his power to administer a harder punishment, or a less severe punishment, you would be giving him the authority of a judge, would you not?
Yes; I think it would be very objectionabe, and could not be carried out practically.

523. Are you aware that at this moment the surgeon has not the power of decreasing a ration, but he has the power of increasing it?
Yes, except in the case of sickness. With regard to a question which was put to me a short time since, I should like to say, that I have repeatedly examined men who have complained of their inability to work upon the wheel, and

and who had not been believed, and in some instances I have found very advanced disease of the heart in those men.

524. Earl of *Dudley.*] Where was the surgeon all this time?
Probably the case had not been brought before him.

525. But you state that the man complained?
Yes, to the warders, and they would consider that he was shamming, and wished to avoid the work.

526. Earl *Cathcart.*] Is not shortness of breath, in going upstairs, a great symptom of heart complaint, and a most alarming one?
It is one of the earliest symptoms. A man with the smallest disease in his heart, working on the tread-wheel for a quarter of an hour, would come off with a very rapid pulse, but before the surgeon could see him his pulse might have subsided, and the surgeon might not recognise the source of his complaint.

527. Earl of *Dudley.*] But the gaoler would naturally send for the surgeon at the right moment, if he was not present, when the man was at work?
If he were to do so, the surgeon might be absent.

528. Does not the surgeon, when he is called in, and declares that the man is not capable of the hard labour which is imposed upon him, virtually free him from any more?
Yes, he does.

529. As a rule, through your district, do you find that there are very many men who have suffered from being compelled to work upon the wheel?
Yes, I have seen them several times.

530. Are there many men who have really suffered bodily pain from being compelled to work upon the wheel?
Undoubtedly. I have seen such cases.

531. You do not tell me that there are many of them?
Yes, I have seen many of them; but I am speaking now from an experience of 20 years. I do not mean to say that they are cases that I meet with every day.

532. Earl *Cathcart.*] Are you aware that a number of men are never put upon the wheel at all, because of their physical incapacity for that species of labour?
Yes; and in their case the sentence of hard labour is virtually abrogated.

533. Are you not aware that in military prisons every man before he is employed upon shot-drill is examined previously, to ascertain whether he is fit for labour?
Yes, I have no doubt that it is so; and in common prisons also.

534. Would there be any difficulty in applying the same principle in civil prisons, and subjecting every man to previous examination, to ascertain whether he is fit for labour?
That is done already. When a prisoner comes in, he is always examined by the surgeon, who is bound to make a report in writing as to any disease which he may have brought in with him; as to the state of his health on admission, and whether he is fit for labour.

535. Duke of *Marlborough.*] With regard to this last question, how is it then that cases are found to occur in which a prisoner may have a disease not known to the governor of the prison, and for which the surgeon is not called in to pronounce upon it at the moment, and therefore he may receive injury by the hard labour?
The symptoms of disease of the heart in its incipient stages are very obscure, and they do not manifest themselves always when the prisoner is in a state of rest; a prisoner may have, for instance, fat deposited upon the heart, which can hardly be called a disease, but yet it would render him incapable of that labour without the risk of producing more serious disease as a sequel. So that as the men on their admission are examined by the surgeon when they are in a state of rest, and the experiment is not made of first putting them on the tread-wheel to see whether it unduly accelerates their respiration and the pulsation of their heart, incipient disease may be very easily overlooked.

536. Do you think that it has so happened that there are cases of frequent occurrence

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occurrence within your knowledge where disease has been as it were brought out by means of labour upon the tread-wheel?
I have no doubt about it at all.

537. In frequent cases?
Yes, there have been many such cases that have come to my knowledge, and therefore I infer that they must be very numerous; because as I do not watch the treadwheel in any particular prison, and can only speak from my knowledge at the time that I happen to visit it, if I discover several cases, I infer that there must be many.

538. *Lord Steward.*] Are the Committee to understand you to state that, in those prisons in which the usual form of administering hard labour is the treadwheel, no other form exists by which hard labour could be administered to prisoners who are unfit to be put upon the treadwheel?
No, I do not mean that.

539. What I understood you to say was this, that when a man was unfit for hard labour on the treadwheel, the hard labour in his case was virtually abrogated?
Yes, that is so in the case of persons very decidedly unfit. For instance, if a man on his admission is discovered to have disease of the heart, or a bad rupture, or anything of that kind, they would not put him to any kind of severe labour.

540. Is there no means by which he could be employed, such as picking oakum, or breaking stones, or anything of that kind?
Yes; that brings me to the very point upon which I wished to speak; I was speaking of men who on their admission are found decidedly incapable of labour.

541. Earl of *Dudley.*] What is there beyond the treadwheel?
There are many other occupations, any one of which, as I said just now, may be called hard labour, provided it is inflicted in sufficient quantity; picking oakum, for instance; if a man is obliged to pick a large quantity of oakum in a day it becomes hard labour.

542. But how can you compel him to do it?
By punishing him if he does not do it.

543. You can compel him upon the wheel, because he must do a certain number of revolutions, but how can you compel him to pick a certain quantity of oakum?
You can compel him to do his oakum picking, or mat making, or whatever it may be, by depriving him of his food, and putting him in a dark cell if he refuses.

544. That very food being only sufficient to keep him in health?
Yes, but for a few days he may, without danger to his health, be put into a cell and deprived of a part of his food, being under the daily observation of the surgeon.

545. Do not they sometimes persist in their obstinacy in spite of the punishment?
Yes, there is no question that an obstinate man will sometimes do so.

546. Then it comes back to my other question, that the treadwheel is the only forced hard labour?
No, I do not say that; on the contrary, I say that any labour is hard which the man is barely able to do.

547. You have just said that you cannot compel him to do it?
It now and then happens that a man is so obstinate that he will endure the continued privation of his food rather than do the work; but those are exceedingly rare instances.

548. *Lord Steward.*] You cannot say that in the supposed case hard labour is altogether abrogated?
No; I only say that it is virtually abrogated in the case of those who are quite incapable of hard labour.

549. Are there many cases in which a man is unfitted to pick oakum, or break stones, or labour of that kind?
No; but I think that the misunderstanding of my meaning arises from the want

want of a true definition as to what is hard labour; some people regard those things only as hard labour in prisons which are different from the hard labour performed by persons out of doors; I do not agree with them, but there is a very general opinion that unless people are put to work upon the crank mill or the treadwheel, they really do no hard labour; I do not agree with that, because I believe that any kind of labour may be made severe by the amount that is required to be performed.

550. Duke of *Marlborough.*] Your definition of hard labour would be continued labour?

Yes, for a certain number of hours.

551. Earl *Cathcart.*] With regard to mat making and paper bag making, and those sorts of light labours, do not they usually, as a matter of practice, come rather under the head of prison pastimes than hard labour?

Paper bag making certainly does, but mat making is very severe labour, especially the weaving of matting.

552. As carried out in prisons, does not it come more under the head of pastime than of hard labour?

I certainly think not, as it is carried out for instance in the Coldbath Fields prison, and in the Wakefield prison, and in many others that I could name where a stipulated amount of labour is performed by the prisoners, in which prisons it is very severe labour indeed; but where they are merely called upon to occupy their time in doing anything, then no kind of labour is severe.

553. Earl of *Dudley.*] Except the wheel?

That is not severe to many prisoners.

554. Duke of *Marlborough.*] To bring back the subject to the treadwheel again, have you ever known any cases of rupture produced by it?

A prisoner with a rupture is now never put to it. I do not think that there has been such an instance in my knowledge for these 10 or 15 years of a man having been put upon the wheel who has been previously ruptured; and as to the wheel being capable of producing a rupture, although it cannot be denied that any hard labour of that kind might produce it in a person very much predisposed to it, I have never seen such an instance.

555. Earl of *Dudley.*] You have never known rupture produced by the wheel?

No.

556. You have known it developed by it, but not produced by it?

Just so.

557. Duke of *Marlborough.*] Have you ever known a case of rupture developed by the wheel?

I have known it very much increased by it.

558. That is to say, although the prisoner had been subjected to previous examination by the surgeon, still the surgeon had not been able to detect the rupture at the outset of his confinement, and that rupture has been subsequently developed by the action of the wheel?

Either it was not detected, or the surgeon thought that, it being very trifling, it was no obstacle to the prisoners being put upon the wheel; but such cases have not occurred, I think I may safely say, in my district for the last 15 years.

559. Earl *Cathcart.*] What is supposed, in medical statistics, to be the number of ruptured persons; do you know the per-centage at all?

I cannot tell the number, but it is very large in that class of life.

560. Earl of *Romney.*] Do not you think that the most ordinary avocations of men out of doors are more likely to produce rupture than the treadwheel?

Yes. Stooping to lift weights frequently occasions rupture.

561. Take the case of sailors, masons, carpenters, and all that class of men who have to lift weights, is not their occupation more likely to produce rupture than the treadwheel?

Sailors are very subject to it, because they use great exertion sometimes in a bent position of the body.

562. And masons also? Yes.

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Yes, they are all liable to it; and more liable to it from their ordinary employments than from the treadwheel.

563. Earl *Cathcart.*] Do not you suppose that picking up heavy shot from the ground is exceedingly liable to cause rupture?

Very much so; it is exactly the position of the body that is favourable to the production of rupture.

564. Duke of *Marlborough.*] You have mentioned some objections to the use of the treadwheel of a physical character, such as rupture in some cases, and disease of the heart in others; have you any other objections of a physical character to the use of the treadwheel?

No. I think those are the physical injuries most likely to be aggravated by it; there are minor effects, such as pain in the limbs and in the back; but then, if a man had very severe attack of pain in the back from lumbago, which is not at all uncommon, he ought to be taken off, and he would be taken off the wheel immediately.

565. You are obliged in that case, are you not, to trust to the prisoner's word that he has a pain in the back?

He would be examined by the surgeon, who would satisfy himself.

566. Would the surgeon detect from any outward appearance whether the man had lumbago in his back?

His mode of walking would often betray a fraud if he attempted it.

567. Earl of *Dudley.*] Is it not the commonest possible thing for them to plead pain, and to try to avoid the wheel?

Very common, and, therefore, as it is so difficult to detect it, it is very probable that some real cases are overlooked or discredited, as well as some feigned cases admitted.

568. Duke of *Marlborough.*] Does the use of the treadmill involve actual pain to some of the prisoners, not because of any disease existing in them, but from their being rather of a weaker constitution than others?

Yes, from their being unaccustomed to walking they have the most intolerable cramps in the legs occasioned by it.

569. Earl of *Dudley.*] Do not these wear off after they have become habituated to the exercise?

It would take some time to habituate men of sedentary habits to it.

570. Duke of *Marlborough.*] Do you know anything to recommend the use of the treadwheel in a sanitary point of view in giving exercise to the prisoners?

No, I do not.

571. Do you think that the exercise which they obtain upon the treadwheel is not of a character to materially benefit their health, or stand in lieu of other exercise which they would have had, had they been in a condition of liberty?

There are some men who perform their work very easily, who would find the treadwheels a very salutary exercise, just as walking up hill would be; but, to the majority, I do not think it is at all so.

572. Earl *Cathcart.*] Is not the treadwheel house often very offensive from the foul air and the perspiration of the prisoners?

Yes, frequently so.

573. In that case, the exercise in an unwholesome atmosphere could not possibly have a salutary effect?

Certainly not.

574. Earl of *Romney.*] That is not an argument against the treadwheel, but against having an unwholesome house to work in?

Yes.

575. Marquess of *Salisbury.*] Is it not the case that those places are always open at the back, or have windows?

They are often enclosed.

576. Earl of *Malmesbury.*] Are the Committee to understand that you object to the treadwheel?

I do object to it.

577. And

577. And that you would wish to abolish its use?
I should.

578. Earl of *Dudley.*] Will you state shortly why you object to it?
I object to it on account of the inequality of its operation, on account of its injurious effect upon the health of many of the prisoners, and on account also of its being, when unproductive, a waste of labour which might be better bestowed.

579. Then the Committee are to understand that you object to it because it is unequal in its operation, and sometimes injurious to the health?
Yes.

580. Duke of *Marlborough.*] Do you object to the treadwheel in any moral point of view as regards the prisoners; do you believe that the effect upon the minds of the prisoners of feeling that they are employed in this particular kind of labour which is supposed to be a degrading kind of labour, and is sometimes also unproductive, has an irritating effect upon the mind, and rather tends to keep up that species of irritation than to make them more open to any better influences which one might wish to bring about whilst they are in prison?
I have no doubt whatever that the prisoners more cheerfully devote themselves to severe labour when they believe that they are doing good in some way, not only to themselves but to others. The moral effect of that irritation of mind which is produced by all kinds of labour which is unproductive, and therefore which is interpreted by the prisoner merely as inflicted for the sake of punishment, is very bad, by keeping up an irritation against the authorities, and in that way opposing itself to the reformation of the prisoners.

581. Earl *Cathcart.*] Will you read to the Committee a short portion of your last Report to the Secretary of State upon that subject, in which your deliberate view is expressed in writing; the passage I refer to, is at page 6 of the introductory letter to the 27th Report?
"The advance which has been progressively taking place in the substitution of productive labour for that which was merely punitive, has been attended with all the beneficial results anticipated by those who had the best means of forming an opinion on the subject. Besides the general amelioration of character observable in prisoners trained to habits of productive industry to which they had been previously unaccustomed, subordination has been so much better maintained, that corporal punishment for prison offences has almost entirely ceased in prisons on the separate system; except in those in which hard-labour crank mills, grinding nothing, continue to take the place of employments of a useful character. It is instructive to contrast in the returns on corporal punishment, presented to Parliament in the Sessions of 1860 and 1861, the 136 floggings inflicted for obstinate resistance to discipline, in the prisons of Salford, Manchester, and Wandsworth, in which unproductive crank labour is resorted to, with the aggregate number of four such punishments which have taken place in those of Liverpool, Wakefield, and Holloway, in the same period; the discipline in those last-named, being conducted without recourse to any but useful industry." Perhaps I may add, that I am entirely of the same opinion now that I was when I wrote that passage.

582. *Chairman.*] There is another form of punishment, is there not, which sometimes is concurrent with the treadwheel, and sometimes apart from it, which is known by the name of cranks, and which is common in many gaols?
Yes.

583. There are two forms of crank commonly in use; one the cellular crank or a crank which grinds nothing but air, and the other, a crank with one long shaft or bar, at which many prisoners may be employed at the same time?
Yes.

584. Can you state whether there is any difference in the degree of hard labour imposed by the two cranks?
The crank which your Lordship alludes to first, is what is called the hard-labour crank, which grinds nothing; in fact, the labour there is regulated generally by a screw or by a weight, and therefore, according to the tightness of the screw or the amount of the weight, the labour would be increased. With regard to the other kind of crank, that is generally applied to pumping water. The

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labour imposed by the hard-labour crank may be *nil;* it may amount to nothing more than the force required to turn the handle, or it may be made intolerable by increasing the tightness of the screw; therefore it is impossible to compare that with the other kind of labour.

585. The amount of pressure is optional; in point of fact at the discretion of the governor, is it not?
Yes.

586. Does the governor or the surgeon superintend the amount of pressure which is applied by means of the screw?
I think the governor or the warders attend to that.

587. Is it graduated to what is supposed to be the strength of each individua man?
Yes, it is pretended to be so; it cannot be done very exactly.

588. In general, is there an index in sight of the prisoner?
Sometimes it is in sight of the prisoner, and sometimes outside the cell.

589. Does that index register the amount of work done, and the time in which it is done?
Yes, it registers the number of turns since the index was set to zero.

590. Do you think it is desirable that it should be in the sight of the prisoner?
I think the instrument so very objectionable in every respect, that I do not think it would make it tolerable to make any change in it; I think the whole principle of it is objectionable, and it has been found so, and has been discontinued in a great many prisons.

591. Are the Committee to understand that you are now alluding to the cellular crank?
Yes, that is the only one that I am speaking of; there is no index to the other.

592. Do you see any objection to the use of that crank as a punishment?
I do see very great objection to it.

593. On what ground?
First, that it is merely harassing, that it is unproductive, and merely intended to inflict suffering, which, for the reason I mentioned just now, leads to irritation of mind and insubordination and breach of rules, as it did in the Leicester and Birmingham prisons, which formed the subject of an inquiry by a special Commission, the results of which inquiry have led to its being discontinued in most prisons since that time.

594. It is not at all events free from the objection of inequality; is it not perfectly possible to graduate each of those cellular cranks to a precise scale, and to the strength of the individual?
That may be done undoubtedly, if the strength can be ascertained, and if the person who regulates it is endowed with sufficient power of observation and sufficient humanity.

595. Must you not in all cases leave a certain amount of discretion both to the governor and to the surgeon, and must you not trust that they will be men of humanity and discretion?
Yes; you must in all kinds of labour, but in this kind of labour the power of secretly or inadvertantly inflicting an additional amount of labour is so great, that it ought not to be trusted in the hands of the warders.

596. You say that it ought not to be trusted in the hands of the warders; are you aware that in the most of those cellular cranks there is a key which enables the governor or the surgeon, or one person alone, to regulate the machine, which places it entirely beyond the control of any chance warder?
Yes; but the result of it is, that it is either made so easy of performance that a child might turn the handle, or if it is not so, it is made so severe as to lead to resistance on the part of the prisoner, or to injury to his health. If it leads to resistance, it leads to a great amount of punishment, and as has been shown in some instances, even to suicide. I am not aware that the surgeon ever assists in regulating the cranks.

597. I understand

597. I understand you on the other hand to express a decided preference for those cranks which are worked by means of a common shaft?
Yes.

598. Are most of those of one uniform construction?
No; they may be divided under two general heads, one in which all the handles are so fixed to the crank, that whatever power may be exerted by the individual prisoners, the handle will still continue to follow the same gyrations, whether a great deal of force is put to the work, or no force at all. In others it is so contrived that if a person fails in using a fair amount of labour in turning the crank, the handle falls back upon him, as it were, and clicks, so that the officer who is superintending can tell whether the prisoner is neglecting his duty or not. The last-mentioned construction may be very well seen in the prison at Wandsworth, where it was first employed, and it has been imitated in several other prisons by my recommendation.

599. Is that Appold's patent crank?
No; that is a hard-labour crank.

600. Duke of *Marlborough.*] You stated, did you not, that the crank of which you have been speaking, was adopted at Wandsworth in consequence of your recommendation?
No; it was first employed, I believe, in Wandsworth, and afterwards adopted in other prisons by my recommendation, I having pointed out in my report the advantage of it, and referred the magistrates to Wandsworth to see it in operation.

601. Did I not understand you to state just now, that you considered the whole system of crank labour as entirely objectionable?
I am not now speaking of the unproductive hard-labour cranks, but of those cases where crank labour is applied to a single shaft, for the purpose of raising water, to which I do not object.

602. *Chairman.*] Are you not of opinion, with regard to that first class of cranks to which you have alluded, that there is this serious objection, that one prisoner may shirk the work which fairly belongs to him, and transfer it, perhaps to his next neighbour, who may be more willing to work?
Yes; and therefore I have always recommended that an alteration should be made in the wheel, so as to make it work upon the principle just described.

603. Assuming that you have a treadmill at work in any prison, and that the system of hard labour is framed upon the use of that treadmill, is it not desirable, in your opinion, also, to have cranks concurrently with the treadmill?
I do not understand why they should both be required.

604. Does not the crank call one set of muscles into play just as the treadmill calls another?
Yes, exactly so; and, if it were a mere gymnasium, it would be an advantage to have that difference.

605. Is it not an advantage to have a variety of hard labour?
Yes, it is.

606. Earl *Cathcart.*] With regard to a modification of the crank, do you know of the gravel hard-labour machine; a crank in which there is a pan of gravel outside, and a fan revolves in that by means of the crank?
I have not seen them in use; I have heard of them.

607. If those cranks are used, and they are used in many prisons, by putting in a little more gravel, you might almost grind a prisoner to death, might you not?
Yes.

608. Is what occurred in Birmingham gaol, not very long ago, within your recollection, in which some very cruel punishments were inflicted, which were entirely unknown for a long time to the visiting justices and to the Crown inspector there?
Yes.

609. In your particular district there have been two cases of cruelty which you have reported; at least one case particularly, with regard to a prisoner who was put in a dark cell, and who was left there for a long time upon very insufficient diet?
Yes;

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Yes; but not as intentional cruelty; rather as the result of an injudicious regulation.

610. You mention that circumstance in your report, do you not?
Yes.

611. And you also mention the circumstance of a prisoner having been flogged under circumstances in which the provisions of the Act of Parliament were not complied with?
Yes, I remember such a case.

612. With regard to one question which was asked you just now, about the stiffness of the cranks; a drop or two of oil might make all the difference, might it not, between their working stiffly and their working easily?
Yes, it might be so.

613. I mean that the neglect of cleanliness with reference to oiling the cranks might make them stiffer than they were originally intended to be?
Yes, if they work upon the plan of a spindle.

614. *Chairman.*] You object, as I understand by your answers to the questions which have been put to you, to the inequality of labour which is imposed upon the different prisoners by the hard-labour cranks?
I have stated that it would be possible to exactly regulate it to a man's force, but that practically I believe it would never be done; first, from the difficulty of ascertaining what his powers are; and, secondly, from the want of attention on the part of the officers.

615. Does not the objection of inequality lie against almost every form of hard labour which can be devised?
It applies less to that kind of hard labour which involves manufactures of any kind, because it is easy for a person who is constantly observing a prisoner to see whether he does his best in producing, we will say, a certain amount of cloth by weaving, or a certain number of mats.

616. Is not inequality of labour produced by inequality of age, and by inequality of stature, and inequality of physical strength?
Certainly; but a slight man may be much more capable of continued labour than a stout bulky man.

617. But will not the amount of hard labour, if you have any system of hard labour at all, vary very much with the various conditions of health and strength which belong to each prisoner?
Yes; and for that reason I should prefer all those kinds of labour which can be most certainly regulated with reference to a man's power.

618. Do not those conditions enter even into trades?
Certainly; if you mean to ask whether different persons are more or less capable of exercising different kinds of trades, there is no doubt of that; but I think it is easier for an observer to tell whether a man does his best in the amount of any product which he makes, than to judge whether he does his best in turning a crank; a man may complain, and may be thought merely, to use a prison phrase, a malingerer; but when a man is employed in productive industry it is easy for anybody who is acquainted with that industry, to tell whether he is doing his best in performing it.

619. But as far as mere facility of perceiving that is concerned, is not the number of revolutions which are marked on the index the most obvious test of whether a man is doing his work or not doing it?
Yes, but the question is whether he does it with facility; one man, much more capable than another, may make a much smaller number of revolutions in a day than the other, because the weak man may have more zeal and anxiety to please the authorities than the strong man, and therefore the weak man may work himself to death, while the strong man is doing very little labour.

620. Duke of *Marlborough.*] You think, therefore, that it is easier to ascertain whether a prisoner is actually doing his duty in the work which is set him to do in objects of productive industry than in such things as mechanical appliances, such as crank labour or treadwheel labour?
I do.

621. And that if there be any inequality in regard to strength in those descriptions

criptions of labour, as there must be in different prisoners, that would be compensated by allowing each a fair amount of work to be done according to what each prisoner is able to do?

That is my opinion; I see that practically carried out every day in prisons where industrial employments prevail.

622. Earl *Cathcart.*] The detection of malingering is one of the most difficult questions in medical jurisprudence, is it not?

Yes, it is so.

623. *Chairman.*] What is your opinion of stone breaking as an employment for the prisoners?

I have no objection to it.

624. Do you consider it to be a good employment?

Yes.

625. Does it not keep the prisoners out in the open air?

They are generally under sheds.

626. Earl *Cathcart.*] You have already stated in your report, have you not that it does not pay for the haulage?

Yes; that is frequently the case.

627. What is your opinion with regard to picking oakum?

That it is a very useful employment to those prisoners who, either from their being in prison for a very short time, or from any other cause, are incapable of learning anything better.

628. Is there not a certain amount of discrepancy in many gaols in the nature of the labour which is imposed, when you take into account the differences in the quality of the oakum; is not the quality of the oakum which is picked, different in different gaols?

Very different.

629. Does not that create a very wide discrepancy in the amount of labour which picking oakum is supposed to represent?

It does; and it leads to an allowance being made by the authorities. No governor or warder would expect a prisoner to pick the same quantity of junk, as the rope is called before it is picked, if it were of a very hard kind, that he would if it were of a softer and more manageable kind.

630. Then are the Committee to understand from you, that as a general rule the hard labour which is imposed in the different prisons, both in respect of the treadwheel, in respect of the cranks, and in respect of picking oakum, is pretty nearly the same, or that it varies very greatly?

The labour of the treadwheel varies in its effect on different persons and in the time for which it is continued; and there is sometimes a difficulty in getting oakum to be picked, and more frequently in getting the governor to exert himself to buy it. It depends very much upon the activity and zeal of the governors in the different prisons, as to what amount of productive labour is performed by the prisoners; the governor must exert himself to obtain the work to be done.

631. You are, therefore, of opinion that there are very wide discrepancies in the amount of hard labour as represented by the treadwheel, by the crank, and by picking oakum, in different prisons?

Yes, I am. There is a very great difference, but that difference is not a necessary ingredient in the system; it would be possible to make prisoners in all the gaols pick nearly the same quantity of oakum under the same circumstances—that is to say, supposing it to be as easily picked; but, as I have said, there is often not enough to keep them employed.

632. Are you of opinion that it would be possible to reduce those different varieties of hard labour to something like a common and uniform standard throughout the different prisons in your district?

There must always be a great deal of discretionary power left to the authorities after all rules are made.

633. Would it not be perfectly possible to provide that the construction of every crank and every treadwheel should be uniform?

The construction might be uniform, but the labour imposed would not be uniform, for the reasons I have mentioned.

 634. Would

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634. Would you not simplify to a great extent the conditions of the problem if you secured a complete uniformity in respect of the construction of the machinery?

No; I think that it differs so little that I do not regard that as a very important element. The difficulty afterwards would remain of selecting proper persons to perform the labour, and defining the proper amount of work to be performed by each prisoner; and there must be much discretion left to the authorities in that respect.

635. Are you of opinion that it is practically immaterial to have a uniform construction of treadmills and cranks throughout the different gaols?

Their construction is nearly uniform now, but that does not secure uniformity in the labour imposed, because the prisoners differ, as I said before, in their susceptibility of injury from those different kinds of labour.

636. Therefore the only mode of solving the difficulty, in your opinion, would be to disuse altogether those forms of hard labour in which it is impossible to obtain regularity and uniformity?

I think that would be desirable.

637. You would desire to see the treadmill, the crank, and all machinal forms of hard labour disused?

No; that term would include the crank, which I have expressed an approval of, and which is used in raising water; namely, the crank pump.

638. That is the only form of machine to which you give your approval, and the only one which you would wish to see in use?

There are some other machines which your Lordship has not yet alluded to in use in prisons which I very highly approve of; for instance, the loom for weaving.

639. But speaking now of what we will call the two forms of hard labour, the crank and the treadwheel, do you consider it desirable that it should be laid down by the Home Secretary, or by the legislature, that those machines are either to be used or disused throughout all the prisons?

I think that at the present moment it would not be possible entirely to dispense with the treadmill; my observation would apply more to the hard-labour cranks, which I think ought to be prohibited altogether; they are so injurious to discipline, and morally so bad in their effects, that I think they ought to be prohibited by law; but I would not apply the same legal prohibition to the treadmill, for if you were to do that you would do away with the treadwheels, which are usefully employed, and you would do away with the power of putting capable people upon them, as well as those who are incapable; but I think that wherever they are employed, the strictest means should be used to ascertain the fitness of the prisoners to work upon them.

640. Can you suggest any improvement, in this respect, on the present practice?

Perhaps if the surgeon were required to attend occasionally during the action of the treadwheel, and to examine the men when they came off the wheel, that might be an improvement.

641. Would not that involve the attendance of the surgeon at the treadwheel for either eight or ten hours a day?

It would not; because the number to be examined at a time would never be considerable.

642. Would not that involve the employment of an additional surgeon?

It would be convenient that the surgeon should be resident, which I think he ought to be in all large prisons.

643. Would the mere residence of a surgeon within the gaol secure that amount of supervision which your answer implies?

It would not absolutely secure it without the possibility of error, but it would render the error much less frequent.

644. You stated in a previous answer, did you not, that three or five minutes subsequent to a prisoner leaving the wheel, it was impossible to detect whether there was any very great variation in his pulsation?

I cannot have said three or five minutes, because that would not be the case. I said

said that supposing the surgeon was sent for when the man was taken off the wheel, probably before he would arrive, which might not be for some hours, the man would cease to exhibit any indication of heart disease.

645. Looking at the fact that the prisoners are taken off the wheel periodically every 10, 15, or 20 minutes, in order to carry out the system of reliefs, would not the personal supervision of the surgeon involve his attendance upon the spot during the whole time that the treadwheel was kept in motion?

It would frequently happen that only one or two prisoners would require any examination, and the same prisoner would seldom require to be examined more than once.

646. Duke of *Marlborough.*] Does the surgeon attend at the prison every day?

The rules are different in different prisons. In all the large prisons, the surgeon is required to attend daily.

647. Would not it be possible for him to certify in the morning, or whenever he attends, what prisoners could go upon the treadwheel?

I am supposing that there may be only such an amount of disease as he would not discover until the prisoner is put to active exertion; but it would not be necessary for him to attend all day, because the prisoners are not changed continually; and suppose that he makes a note when he has examined A. B. on his coming off the wheel, and ascertains that he has no affection of the heart, and that he has previously satisfied himself that he has no rupture, he would be satisfied about that man ever afterwards, unless there was some renewal of the complaint, and then it would be his duty to examine him again. But the manner in which the surgeon examines prisoners now when they first come in, and have been in a state of rest in the reception cells, for some hours perhaps, before he sees them, is such as to mask any slight amount of disease, and make it very difficult to discover.

648. But I understood you to say that the best mode of examination, if it were conducted at all, would be, that the surgeon should examine the prisoners after they come off the wheel?

Yes; in doubtful cases.

649. And you also stated, did you not, in answer to the noble Chairman, that you would not recommend the mechanical appliances now existing in gaols to be done away with altogether, because it might be necessary on some occasions to put prisoners on the treadwheel?

I would recommend that one kind of labour, which I specified, to be abolished at once, namely, the unproductive hard labour crank.

650. But you would not recommend the abolishment of treadwheels altogether.

No. I think that, until a better system of productive labour is organised in the different prisons, it would be almost impossible to find any kind of hard labour for prisoners without the treadwheel in some of the gaols; but in many gaols the treadwheel has been given up for years, and the prisoners are employed productively, and in some prisons it has never existed.

651. Objecting as you do to the use of the treadwheel as a hard labour punishment as a general rule, in carrying out a portion of a penal sentence, is it your opinion that it might be retained as a punishment for an infraction of prison rules, or for bad conduct in prison during the time that the prisoners were carrying out their sentence.

There would be the same objection to that if the persons were physically incapactiated from performing that labour, in which case they could not be put upon the treadwheel as a punishment.

652. Excluding, of course, those cases where they were physically incapacitated, would you retain the treadwheel in prisons as a means of punishing prisoners for an infraction of prison discipline during the time that they were in prison, but not applying it as a portion of the punishment to which they were sentenced?

In the present state of things, I think it would be quite necessary to retain it in some prisons, and this class of persons would be the first to be put upon it; but

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I think that in process of time such a system of organised labour might be introduced into all the prisons that the treadwheel would be unnecessary in carrying out the sentence, and the prisoners under punishment are very few, and could not therefore work it by themselves.

653. With reference to productive industry, and to some of the inequalities which you stated you felt it to be impossible to overcome in the case of prisoners, when they were put upon hard labour as given by mechanical appliances, do not you think it would be much more within the power of the governors of prisons to regulate the amount of labour or of hard labour which should be given to prisoners by modes of productive industry?

I think it would be much easier to do so in that way than by mechanical modes.

654. In fact, the governor, or the warders overlooking the prisoners at work upon any species of productive industry, would be able to see whether they were doing their duty?

Yes, I have no doubt that they would. Some of them should be persons themselves instructed in the trade, and qualified as instructors of the prisoners; and those persons who are capable of instructing the prisoners are quite capable of judging whether the prisoners are doing their best at the work.

655. Would that involve any great additional expense in prisons?

No, because some of the men who are trades-instructors would also be warders. There would, perhaps, be some additional expense; perhaps there might be some extra officers required; but generally speaking, as in many Government prisons, the trades-instructors would be discipline-warders also.

656. Are there any objections which can be reasonably urged against prisoners being employed in productive industry?

I think not. I have heard of some objections: one, which was entertained perhaps for the longest time of any, was that by employing persons in productive labour in prisons, you were robbing the fair trader outside of his employment; but it does not appear to me that that is a valid objection, because the persons who are in prisons are of a class who ought to labour if they were outside; and giving them the means and impulse to labour within the prison, does not seem to me to be any encroachment on the fair traders outside, unless indeed the funds of the county or of the borough were to be used as a capital to enable the county or borough to undersell the fair trader; that would be extremely injurious, and would raise justly a very great clamour against labour in prisons.

657. Earl of *Dudley*.] Could you refer the Committee to any such case?

I do not think I could at this moment, but when I have inquired what things were sold for in prisons, it has once or twice occurred to me to say, "You charge less than the article can be sold for outside," which the governor has admitted; and I have said, "Do not consider that I sanction this; I do not sanction your selling things below the market price, because you are using the capital of the county as a trading capital against the small dealers outside," and that has been discontinued; I do not know of any instances at present where that is done.

658. Do you know any case where the labour is not productive, and where it does not show a return at the end of the year?

Yes; it is sometimes not profitable.

659. In fact, where it is a loss?

It is not a loss if they get a sale for the articles, but there is often a very large accumulation on hand, and there is a quantity of capital in that way frequently lying dormant; but if they are sold, they are always sold at a profit.

660. Duke of *Marlborough*.] Have you known any instances where the labour of prisoners has been contracted for by manufacturers?

I have.

661. And has that answered beneficially?

Yes; that is the general mode which is adopted in very large prisons in which mat-making is conducted. At Coldbath-fields and at Holloway, where a very large number of mats are made, they are contracted for by dealers in London, and they are not sold at all below the market price in those prisons where

where the labour is not contracted for. For instance, at Reading, where they are made for the county and sold for the benefit of the county, they are not by any means too low-priced.

662. Earl *Cathcart.*] You informed us in your last day's evidence, that among practical men there was a general opinion that separation was essential to prevent the contamination of the prisoners; are you not equally well aware that with regard to the whole subject of labour, there is among practical men a very great diversity of opinion; indeed, that the whole question is considered very debatable as to the best mode of industrial hard labour, and also as to the labour question in general?

Yes, there is a great difference of opinion upon that point.

663. Earl of *Romney.*] To go back to a subject which has already been discussed at some length, namely, the putting of men upon the treadwheel, do you not know that the practice is, that when a man is sentenced to hard labour where the treadmill is used, the first thing done is that he is examined by the doctor, who reports whether he is fit or not to be put upon the wheel?

Yes.

664. After that, if the man feels himself ill while at work and complains to th turnkey, is it not then the case that they always order him straight to his cell?

Yes, if his complaint is thought to be at all well founded.

665. It is the rule, is it not, that he is taken to his cell in order that then he may be examined by the surgeon as soon as he comes into the prison?

Yes; but then that examination is liable, as I have said just now, to the objection that it is not made at the time when the symptoms are the most urgent.

666. *Lord Steward.*] Who is the judge as to whether a complaint is well founded or not?

Generally the superintending officer or the governor. If a man makes a very decided complaint, the governor's attention would be called to it, and his duty would, in my opinion, be immediately to take him off the wheel for examination; but that it is always done, I do not think I can say.

667. Earl of *Romney.*] Would not it be, in your opinion, the right course that the man in charge of the wheel should take the prisoner to his cell and report the fact to the keeper of the gaol?

It would.

668. Then, supposing the surgeon reports that the man is shamming, he would thereupon be punished, would he not?

Yes.

669. Then, supposing he is put upon the wheel after his punishment is over, and he does the same thing again, do not you think that in all probability, and do you not know, that the surgeon would, on his next visit, go to the wheel and see the man undergoing his work, and have an opportunity of making a closer examination?

How the practice may be generally, I cannot say. I think he would be right to do so, and I should feel it my duty, if I were a surgeon, to do that upon the *first* complaint.

670. You cannot say what is the course of practice in a well-regulated prison?

I do not think it is very common for the surgeon to go and examine persons coming off the wheel.

671. If it comes to this that a man resists, and although he is put in the dark cell over and over again, he continues to carry on a system of imposition, do not you think that before proceeding to flog the man it would be just to require the surgeon to go up to the wheel and see the man when he is undergoing labour on the wheel?

Yes, I think that should be done.

672. Before the Visiting Justices woud submit to be foiled by the man, or before they would exercise the extreme powers which they possess, do not you think they would require that the man should be carefully examined?

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Yes, I am sure they would: before they ordered a man any extreme punishment, they would refer him to the surgeon for examination.

673. Therefore, the real risk is very small?
It would amount to this: that the surgeon might examine the man when he is free from the symptoms, and thus overlook his disease.

674. That is no more than happens with everything in the world; the surgeon goes up to the wheel and hears the man's complaint, and then he has the best means possible of testing it, has he not?
Yes, I have said already that if he does that, he would be adopting the right course.

675. Have you any right to presume the contrary?
I do not presume the contrary, but I know that it is not always so. A surgeon having examined a man when he was in a quiet state, and failed to discover anything amiss about him, has afterwards had his attention called to him when he has come off the wheel, and has discovered that the man had some disease of the heart.

676. With regard to the punishment of the wheel and the crank hard labour you stated that you should like to do away with the crank labour at once, and with treadwheel labour in time, when a better system of productive labour is found out; what would that better system be?
It is difficult to say what it should be in all prisons, because it cannot be the same in all. It must depend very much upon the habits of the people in the neighbourhood: for instance, weaving is a very good employment, and it is now used in many prisons, and it is taught to the prisoners, which involves a considerable expense; but in a county where weaving is the occupation of the people, a man who comes in for a week, or for three days, might be made to weave at once, so that I think different kinds of occupation might be selected according as they happen to prevail in the particular neighbourhoods.

677. Weaving and mat-making are carried on in many prisons now, are they not?
Yes; there are several prisons in my district in which weaving is carried on, and many in which mat-making is carried on.

678. Is not that the alternative to which a man is put who receives a sentence of hard labour, when the surgeon reports that he is not fit to be put upon the wheel?
Yes, that is the case with many who are quite capable of labour.

679. Then it is not a better system than that which is in the prisons, because it is already in existence there?
That is so; but I wish to see it extended very much.

680. Then that meets the difficulty in the case of a man who has been sentenced to hard labour: if the surgeon says he is not fit to be on the treadwheel because he has some disease, he is then employed in the manufacturing department of the prison, wherein he works at mat-making, or some work of that description?
That is already done in many of the best-conducted prisons.

681. Then what is the better system to which you alluded?
I mean where a good system is more generally organised, and where it is carried further than it is now carried in the best prisons.

682. Duke of *Marlborough.*] In referring to a better system, you do not intend to imply a better system yet to be devised, but the system now in operation being more generally extended?
Yes; perhaps I ought to have said a more complete system.

683. Earl of *Dudley.*] Namely, that of productive labour?
A system by which different kinds of productive labour should be more extended.

684. Earl of *Ducie.*] You have expressed a very strong opinion against what is called unproductive labour, and more especially against the hard labour crank, I believe?
Yes.

685. And

685. And the reason that you have given for discontinuing those punishments is, that they produce such a feeling of irksomeness among the prisoners as to lead to insubordination?
Yes.

686. Admitting that a certain amount of the reformatory element is practised in prison discipline, is there not also a certain amount of the deterrent element looked to?
Yes; but I have not so much confidence as many persons have in the deterring power of prison punishments.

687. Earl of *Dudley*.] Have you confidence in their reforming influence?
I think that many men are reformed in prison, but I do not think that it often happens that persons are deterred from the commission of crime by the recollection of past suffering; because, when a man is about to commit an offence, he does not expect to be discovered, and if not detected, he will not be punished; and therefore he is not very likely to weigh minutely the shades of difference of the punishment that he may have gone through in different imprisonments.

688. Earl of *Ducie*.] The change from crank labour to productive labour would be to produce a milder system of punishment, and also one much more palatable to the prisoners, would it not?
I suppose that it would be more palatable, but, at the same time, it would bring a man's mind into a better state; and although I am far from agreeing with those who would put punishment entirely out of the way, I think that we ought to recollect that we are strongly interested in making the prisoner a peaceable and industrious citizen when he goes out of prison; and I believe that by inculcating habits of industry in that practical manner, you will give a man a greater tendency to industrious habits when he goes out than he had before.

689. You stated, did you not, that there were cases of men having committed suicide in despair at the crank labour?
Yes; the case that brought on the inquiry at the Birmingham Gaol originated in that.

690. But you only know of one case, do you?
No, I am not able at this moment to speak of any other case where suicide has actually been committed.

691. Marquess of *Salisbury*.] Are you prepared to say that the necessity for imprisonment in general does not make it very desirable that the position of a prisoner in gaol should be worse than that of a common labourer?
Yes; but I do not see how that is to be done by the imposition of any kind of labour. Men who work for their living out of doors work to the extent of their strength, and it would be impossible to require more than that from a prisoner.

692. You made a distinction, did you not, between labour being irksome and not being irksome?
That was not a word that I used; I said that unproductive hard labour was of a kind to stir up all the bad feelings of a man against the authorities, and, therefore, to produce a deterioration of his moral character.

693. Then you think that it is disadvantageous?
I think that that is the disadvantage of that kind of labour. It might be extremely irksome for a man to be employed in productive labour, but it would not be so irritating to his feelings, because he would feel that though he was suffering it was probably inflicted for his good; but when he sees no result from his labour but what he would consider mere torture to himself, he does not look with the same respect at the motives of those who imposed the labour.

694. What, in your opinion, is the object of imprisonment with hard labour?
Partly punishment and partly reformation.

695. Which, in your opinion, ought to hold the first place?
Certainly the most important to the community is the reformation of the individual, and if that could be brought about without punishment I should be very glad to see such a change; but I do not see at present how we can produce the reformation of the individual without some admixture of punishment. If it

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could be shown, which I think is impossible, that the public could gain their object of reforming the criminal without imposing upon him any punishment, I should think that the highest state of moral advancement and the greatest political advantage to the public had been attained. But in the present constitution of the human mind I do not think that that is possible, and, therefore, I think that the man must undergo a certain amount of punishment; but that is imposed by making him labour for the advantage of others without any wages for himself. If a man who is employed in producing for two years a large amount of work, which would be extremely remunerative to him if he were a free labourer, sees that all the products of his industry go to others, that must be allowed to be a considerable punishment. Then he is deprived of his liberty, which is another very considerable punishment; and without the imposition of actual pain in prison, I think that we do consult the principle of punishment in those two ways, and in the privation of the indulgences to which those men are addicted.

696. Then your great objection to crank labour without profit, or hard labour without any result from it, is that it is injurious to the moral feelings of the prisoner?

Yes, and to the possibility of the labour being unequally imposed; that is another ground of objection.

697. You have just now stated that it is a great punishment to a prisoner to be deprived of the profits of his exertions and industry. Do not you conceive that that would in some respects be injurious to his moral feelings?

No, I do not think so; he would feel that that is a just retribution for what he has done, and he may promise himself that, having acquired the means of productive industry in prison, he may, after his discharge, turn it to a good account, and that he may, therefore, be a gainer by what he has undergone; but he would not feel that with regard to labour which is simply punitive.

698. You have stated that the main object of punishment is reformation; therefore, in your opinion, the main object of punishment is not the prevention of crime in others?

I think that punishment is a means of reformation.

699. You say that reformation is the main object?

Yes.

700. And you do not look upon the punishment of crime as any benefit to society at large?

I am sorry that I should have been so understood. I say that, in the present constitution of the human character, I think punishment is necessary to follow crime; but I would not impose the punishment simply for the purpose of punishing, but with the view of producing reformation in the individual, so that he might be a more profitable member of society afterwards.

701. But you do not think that the suffering which is inflicted is any benefit to society at large?

I think that society at large are less influenced by it than the criminal himself, and I have already said that I do not think that it produces a very lasting impression upon his mind. I think that other persons are less likely to be influenced by the sufferings of a criminal than the man himself, because they are less acquainted with them.

702. Then you repudiate all deterrent influence?

I do not repudiate it altogether, but I think that the value of it has been very much magnified by some persons.

703. Do you mean its value to society, or to the individual?

I think that the public in general attach more value to the deterrent effect of punishment than it deserves; I do not by any means say that it produces no effect upon the criminal or upon others, but I think that the effect has been very much magnified in public opinion.

704. Do you conceive that the deterrent influence upon society by the infliction of punishment is of no benefit in the prevention of crime?

I think that it is of some benefit, but I think that the benefit is not so great as is generally supposed; and looking at the effect of prisons where we have a greater

greater opportunity of observing it, we find that the greatest resistance to authority, and consequently the enduring of greater punishment, takes place where the mode of discipline is the most severe and irritating. A man is not prevented from disobeying the rules of the prison by being put into a dark cell once, or twice, or thrice, and sometimes not by being flogged, although he may feel quite sure that his disobedience will lead to those results; therefore, that proves how little he is deterred by the fear of punishment.

705. Do you think that society at large are not deterred by the fear of punishment?

I think that the public are slightly deterred, but as they cannot be acquainted with the full extent of the punishment, I think that they cannot be deterred so much as the individual who undergoes it; and we see that he is not very seriously deterred, for we find the same man coming into the same prison 15 or 20 times over to undergo the same punishment.

706. May not that be attributed to the punishment not being sufficiently deterrent?

I can speak of some instances where persons have been on the treadwheel during the whole time that they have been in prison, and some where they have even been flogged, while they have been in prison, for refusing to work, and where they have still come back again. I remember a very remarkable case that I saw at Hertford, and which I mentioned in one of my reports, of a man who had been in a great number of times for poaching, and he had suffered the punishment of the treadwheel every time, and he had even been flogged, and yet he came again, and he very frankly said, "Well, sir, if I can't get a gamekeeper's place after my discharge, I shall be in again."

707. The result of your evidence is, that you do not think that it is desirable to have such punishments in prisons as would deter society, but you prefer those punishments which would lead to the reformation of the individual only?

I by no means object to any punishment which would deter from crime; but I think that those punishments which I have mentioned, and which every man undergoes—namely, the privation of liberty, the privation of animal indulgences, and the being obliged to work for others—are severe punishments, and quite as likely to be dreaded by others as those which profess no reformatory object, and which I should think produce no good effect upon the man's mind at all: and as they cannot be weighed by persons outside, I think that their effect upon the public mind generally is very small.

708. What is the number of re-committals, according to the last return?

The number of re-committed prisoners for the year 1861 was 24,763 males.

709. What was the number of committals in that year?

96,763.

710. Out of those about one-fourth only were re-committals?

Just so.

711. To what do you attribute the absence of re-committals on the part of the other three-fourths?

In that there is a fresh supply of criminals.

712. Then you estimate the fresh supply of criminals per annum at about three-fourths?

It is obvious that it is so, so far as the previous committals can be known, but there are a great many that have been previously committed who are not known; but, taking this as the number, that would prove that about one-fourth are re-committed.

713. Are the other three-fourths deterred from committing crime again by the punishment which they have received, or do you believe they are reformed?

Some may be reformed, some may be prevented by the recollection of former punishment; but in the case of by far the greater number, it has been because the circumstances which exposed them to crime have been less active against them;

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them; for instance, many of them have got into employment, having been previously unemployed. I cannot attribute the immunity of the three-fourths from re-commitment to the deterring effect of the former punishment when there are so many other causes which may have operated in their favour, their getting into employment being among the greatest of them. Others, again, have left the country, and others have entered the army and navy.

714. *Chairman.*] You stated, did you not, in answer to a question which was put to you, that you wished to see trade instruction and trade occupation in the the gaols extended?

Yes.

715. And proportionately with the extension of trade occupations, you would advocate the disuse of the treadwheel and the cranks?

Yes, of the hard labour cranks.

716. I understood you to say that you would prefer to see that which is technically and commonly known now under the name of hard labour disused, and the place of that hard labour supplied by means of trade occupations?

I should hardly like it to be inferred that I object to what is technically called hard labour, because it is difficult to define what that is. Many persons agree with me in thinking that every kind of labour is hard or light in proportion to the amount of it that is exacted.

717. You are aware, are you not, of the investigations which took place, and the resolutions which were passed, by the Duke of Richmond's Committee in 1835?

Yes; but I am not very familiar with them, because I was not in office at that time.

718. You are aware that they recommended, and that they contemplated, the adoption of hard labour in all prisons on the separate system?

Yes.

719. You are also aware, are you not, of the inquiry which took place in this House in 1847?

Yes.

720. Are you aware that one of the recommendations of that Committee was, that hard labour should be enforced?

Yes.

721. You are aware also of the examination which took place in 1850 in the House of Commons, by Mr. Pearson's Committee?

Yes.

722. Are you aware that in those resolutions hard labour was contemplated and recommended?

Yes.

723. Do you believe that in the opinion of those several Committees, when hard labour is spoken of by them, it certainly applied both to the treadwheel and to the cranks?

It applied, I presume, to any kind of hard labour that could be procured; I do not know that it was exclusively applied to those descriptions; in fact, the hard labour of the crank was unknown at the time of the Committee of the House of Lords which your Lordship refers to. What I call the hard labour crank was not invented until about 1845; it was invented at Pentonville Prison by one of the officers.

724. Are you aware that one of the distinctive differences in the gaol at Reading has been the absence of that which is commonly and currently known by the name of hard labour?

Yes; if the term is to be restricted to those kinds of labour which your Lordship has named, they are quite wanting at Reading.

725. The report of Mr. Field, the chaplain of the gaol, in 1846, to the quarter sessions at Reading, is quoted in his evidence as given before the Select Committee of this House in 1847, in which report this passage occurs:—"The short experience

experience which has yet been obtained of the operation of the system in Reading Gaol has yielded every encouragement for the hope and the belief that its contemplated benefits will be confirmed by its continued application; and the visiting justices are so persuaded of its incompatibility with hard labour that they are not prepared to offer any suggestions for the supply of means by which to renew the introduction into Reading Gaol of that mode of punishment. On the contrary, if it be necessary, they would rather recommend that application be made to the Secretary of State, that measures be taken to obtain by law such a construction of the legal sentence of hard labour as would provide due authority for its commutation by a compulsory moral discipline." Being familiar with the system pursued in Reading Gaol, are you prepared to say that that system is one which you would adopt?

Certainly not.

726. On what ground?

Because there is, in my opinion, far too little labour performed at Reading.

727. Can you state to the Committee in short terms what the Reading system is, and on what grounds you object to it?

It has been altered since Mr. Field gave that evidence by the introduction of a greater amount of labour, in which respect I approve of it. In my 27th Report I state "the labour performed by male prisoners consists of pumping water for the use of the prison by means of a crank-pump, divided into separate compartments; grinding corn for the supply of the prison, with Dean's patent hand flour mills; gardening, whitewashing, mat-making, shoe mending, tailoring, carpentry, and painting; and the females are employed in needlework and washing."

728. How far do you consider that that fails to carry out the system which you would approve of?

Although it is a great improvement upon the total absence of labour that existed at first, I do not think it is carried quite far enough; I think that the introduction of the hand flour mills is a very good measure indeed, and is very well adapted for all prisons, especially those on the separate system, because they can be worked in separate cells.

729. Is it always easy to obtain a supply of corn sufficient to keep the mills in working order?

Always; because they do not do a great deal of work in a day, but they grind sufficient for the maintenance of the prisoners, and sometimes more; but in many prisons in which they have introduced them, although they have only a small number of mills, they can grind corn enough for the prisoners' bread.

730. Are you aware what amount of labour that would give to a prisoner, in a gaol containing from 300 to 400?

Generally, there is a selection of prisoners to work at those mills, and they work for several hours in the day at a time. Then, it is commonly varied with other kinds of labour, which, I think, is a good plan; for instance, a man may work in grinding corn for some hours, and then he may go and pick oakum, or do some other work.

731. Do you believe that if those mills are employed simply to grind the amount of flour, which is necessary for the consumption of the prison, that would give on an average more than one or two hours work a day to every man?

Most certainly, to those engaged upon them, if the number of mills is small and the number of prisoners is large.

732. Does a small mill grind less in proportion than a large one?

I mean, if there is a small number of mills, and a large number of prisoners, the mills will be occupied all day in grinding corn enough for the prison.

733. Will that give you on the average an hour a day per prisoner?

Men are generally selected, and they work for several hours each; the prisoners are not all brought in rotation to work at those mills.

734. From your own practical knowledge and experience in this matter, are you aware whether, in a gaol containing from 300 to 400 prisoners with mills which grind only that amount of flour which is necessary for the consumption of

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the establishment, it is physically possible to attain to very much more than one hour per day of hard work at those mills?

No; I have said that every man is not put to that work; but I am speaking of it as a kind of labour, to which a certain number of men are told off, and those men may have just as much time occupied in it, as is thought desirable. I do not mean to say that hand mills for grinding corn for the prison, supposing the number of prisoners to be large, would furnish employment to every prisoner in the gaol, but that that is one mode which I think very good.

735. Will not, therefore, a large majority of the prisoners be without this occupation at the handmills.

No doubt.

736. If, consequently, there is no other employment except that which trade occupations afford them, a large majority of the prisoners will have to depend upon those trade occupations for their hard labour?

Yes.

737. Is it your opinion that when a sentence is pronounced in court, assigning so many months with hard labour, employment of the prisoner in trade occupations of particular kinds, such as book-binding, gardening, or making paper bags, is in fact a legitimate carrying out of the sentence so pronounced?

No. Your Lordship has mentioned one occupation which I think can hardly be called hard labour, and I should not put any man to do it; I refer to making paper bags; gardening is generally reserved for the sick, or those who are incapable of doing heavier work, and who require a large amount of exercise and fresh air, and bookbinding is only done to repair the books.

738. Do you think that gardening comes up to the standard of hard labour?

It is not given to those who are capable of hard labour; it is given to persons who may be under sentence of hard labour, but who, by reason of a bodily infirmity of some kind are not able to perform hard labour, or who have been in the infirmary, or are recommended by the surgeon to have more exercise in the open air; such persons are generally put into the garden class,—it is not considered hard labour.

739. Do you think that the employment of a man on his own special trade, at which he possibly, when out of prison, may be working 12 or 14 hours a day, but on which he is employed in prison five or six, or eight hours at the maximum, implies that amount of hard labour?

No, it does not; but a man may be employed in his own special trade much more than five or six hours in prison; he may be employed all day.

740. Are you aware of any single prison in which he is employed all day?

Yes, certainly.

741. The Act of Parliament prescribes 10 hours hard labour as the maximum, does it not?

Yes, I think it does.

742. Are you aware whether in any prison any prisoner is employed even for 10 hours in the trade on which he is employed out of the walls of the prisons?

Yes, I conceive that there are some prisons in which that is done.

743. Can you name them?

I can mention one, namely, the Borough Gaol of Northampton, and, I think, in the prison of the West Riding of Yorkshire, at Wakefield, they must be employed quite as long as that, but I would not take upon myself to speak positively.

744. Do you believe that the maximum of 10 hours, as assigned by the Act of Parliament, contemplated that form of hard labour which I have described?

I cannot say; it is impossible for me to answer that question; but the difficulty of working in prison for more than 10 hours arises from causes which it would be impossible to change without a subversion of the system altogether. One cause is the necessity for attending Divine service every day, which takes up time; another is the rule which prescribes that a prisoner shall have a certain amount of education and instruction given him; when these deductions, and the time employed in their

their meals are taken into account, it would be difficult, I think, to give them more than 10 hours, or even as much. In some prisons there is chapel service twice a day.

745. Therefore, under the present arrangements, in many prisons it is impossible, even if there are means of doing it, to give the maximum of 10 hours' hard labour?

Yes, I think it would be very difficult, especially in those prisons which are not lighted at night.

746. I understand that your reason for advocating trade instruction in preference to hard labour at the crank and the treadwheel, is the moral reformation which is produced in the character of the prisoners?

Yes, and also the advantage from the sale of the produce to the county or borough.

747. From your experience, which has extended over a great many years, have you been able to follow the characters and conduct of prisoners on their leaving prison?

Yes, in some few instances, but my observation of them has been very limited after their discharge.

748. Do you believe that the system of reformation, as practised in any of the gaols, has been successful?

In a great number of instances it has.

749. Can you state to the Committee whether it has been successful with regard to any particular classes of prisoners?

It would be very rash in me to say what has produced the reformation, but I have not the least doubt that a great number of persons who have committed an offence and have gone to prison, have afterwards conducted themselves very well, and have obtained good characters. I would not take it upon me to attribute that to the effect of any positive discipline that they have undergone, but I think it is very likely that the time that they have had for reflection, especially in prisons on the separate system, and the good advice and encouragement that they have received from benevolent and zealous chaplains and governors, have contributed to make them lead good lives afterwards; but I have not the smallest hesitation in saying that there are great numbers of persons who do lead good lives, and obtain good characters after having been in prison.

750. In our large gaols there are to be found a certain number of prisoners who may be said to belong to the class of educated persons; do you believe that the system of moral reformation by means of trade instruction has produced any effect upon them which has subsequently changed their course of life?

Practically I have no means of giving an opinion on that subject. Educated men are very often persons who, after their discharge from prison, have friends or property which may put them out of the reach of common temptations; and they may also be more deterred than others, by the recollection of their sufferings, because their sufferings in prison are much greater than those of common prisoners; but I know of no instance that I can point to, for happily the number of persons of high education and position in prison is not very large.

751. Do you mean that moral reformation is produced by those agencies upon the receivers of stolen goods as a class?

No; I think that those are, generally speaking, among the worst of prisoners.

752. Do you believe that it is produced upon that class which we may call trained and habitual thieves?

I do not think that one ought to speak of them collectively as a class; I think that a man may have been an habitual thief, and yet he may be placed under circumstances after his discharge from prison, which may make him feel that it is the wiser policy to be industrious, especially if he have learned a trade by which he can live.

753. Are you aware of this system of trade instruction having produced such an effect upon the minds of men selected from those particular classes which have come under your notice?

I have already said that I have not the means of answering that, because I cannot follow those persons after their discharge; but I see such an amendment of

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demeanor and character produced by regular industry of a productive kind in prisons, that I think it cannot fail to be productive of a beneficial effect after their discharge from prison.

754. Do you believe that it has produced those beneficial results upon the class of vagrants?

The vagrants are so short a time in prison that they are seldom employed upon anything but the roughest kind of work.

755. Do not they appear and reappear over and over again in gaols?

Yes; but there are other causes besides mere criminality which lead them to prison; they come to prison for the sake of an asylum in the bad seasons of the year. There are a great number of vagrants who commit crimes in order to be sent to prison, simply to keep themselves warm and to be fed well through the winter, I believe.

756. Do you believe that those effects are produced upon the class from which burglars and men committed for violent and murderous assaults are taken?

I do not know. I see very few of them in common prisons; persons who are guilty of murderous assaults are generally sent to the Government prisons; but I can conceive that a man may even have been a highwayman, and yet he may be susceptible of improvement, if he gets under favourable circumstances. That is, probably, the reason why transportation was beneficial in restoring so many persons to a useful position, namely, that they found much greater facility in getting a living and in procuring the means of indulging their appetites by labour than by theft, because they went into thinly-peopled colonies where there was little to steal, and where employment was very easily obtained.

757. Putting however the question of transportation aside, the conditions of which are entirely different from those existing in this country, and foreign to them, are you of opinion that that large class to which allusion has been made, which comprises the reconvictions to prison, are a class upon whom this trade instruction produces any beneficial effect?

Yes; I think that it has a tendency to improve every man who is employed in it; I do not mean to go so far as to say that it is likely to be effective to the full extent upon all, but I believe that it produces some modicum of good upon every mind.

758. You believe that this present system has produced a beneficial effect upon those classes which I have enumerated, namely, upon receivers of stolen goods, upon vagrants, upon trained thieves, upon burglars, upon men committed for murderous assaults, and upon reconvicted prisoners?

I have said before, that I cannot take upon myself to speak so confidently as that, but I believe that the tendency of industrial employment is good; and I see, I think, a very much improved demeanor in the prisoners who have been subjected to it, compared to the demeanor of those who have been subjected only to those punishments which are simply punitive, and amongst whom the countenance retains that criminal expression which the prisoner brought in with him.

759. Do not those classes which I have enumerated, comprise, at all events, a large proportion of the prisoners?

Yes, a very large proportion, I imagine.

760. Are you of opinion that in this case punishment, as such, in a deterring point of view, is useless?

I believe that a person who is not likely to be reformed by the methods which I have mentioned, is not likely to be deterred by punishment. We find persons coming in over and over again when they have been transported and retransported, and sentenced to penal servitude, and still they continue coming in for receiving stolen goods, or for the same offences that they were in for before; and therefore I think that it may be inferred that punishment, in the form of what is called "hard labour," has produced as little effect upon them as the cultivation of industrious habits would have done. I believe that a greater reduction has taken place in the number of committals, has been experienced in prisons on the separate system where treadmills and cranks have been unknown than in those where they have been employed.

761. And

761. And in spite of the existence of those classes, you would be prepared to recommend the disuse of the crank and the treadwheel, and other machinery of that nature for inflicting hard punishment, and substitute in lieu thereof, as widely as possible through the country, a system of trade instruction?
I would.

762. Earl of *Dudley.*] What you have now said so distinctly in one word does not quite agree with what you said before; I understood you to say, that you recommended that useless labour at the crank should be done away with, and not productive labour?
Certainly, and I do not mean to reverse that opinion.

763. That is rather different, is it not, from the answer which you gave to the noble Chairman?
I understood his Lordship as speaking prospectively, as to whether I was inclined to recommend the substitution of productive labour for that which is not at all productive eventually; and my answer was, that I should be so inclined; but I had previously said that I would not abruptly discontinue the treadmill, although I would wish that the crank be at once discontinued.

764. *Lord Steward.*] The treadwheel might be made productive, might it not?
It might, and on that account I would not wish it to be discontinued at present.

765. *Chairman.*] Is it not a matter of fact, that the treadwheel is made, in many gaols, a means of productive labour?
It is; but then it is open to other objections, as I stated in my examination on the last day of the meeting of the Committee.

766. Earl *Cathcart.*] It appears to me that you have forgotten one most disturbing influence with regard to the statistics of recommitments; namely, that prisoners are, in numerous instances, put down as convicted for the first time, simply because there is no proof to show that they have been convicted before, on account of the want of communication between the different gaols.
I did mention that. When I gave the number from the Blue Book, I said that those were stated not to have been committed before, but of course we had no means of knowing that that was the case, and in many instances they probably had been committed before, though the fact had not been discovered.

767. Lord *Lyveden.*] Would it not be easy to have such general communication from one prison to another?
I have often thought that something of the kind might be done, that officers might be sent round to the different prisons; at present there is a means adopted which does not seem so effective in practice as it was thought that it would be. I refer to sending round photographs of the prisoners, but that is only done on a small scale, when a man is supposed from his manner and demeanor to have been a convict in the hulks, or a convicted prisoner; some officers are very quick in discerning the pecularities of manner of those who have been in convict prisons, and they sometimes send round previously to the trial of a man, a photograph of him to the different prisons to be passed on from one to the other, perhaps sometimes going to 20 prisons to inquire whether the man is known there, and if so, what is known about him.

768. Would it not be easy to have a general rule laid down, that there should be a description of the person committed transmitted to all the gaols all over the country.
That might be done, but it is a very difficult thing from a simple description of a man to establish his identity; but I think that much might be done in that way.

769. Earl *Cathcart.*] You are aware, are you not, that there is a communication sent by the Secretary of State, or by his authority, called the "Police Gazette"?
Yes.

770. Might not some paper, in the nature of the "Police Gazette," be circulated in the different prisons?
It would of course hardly undertake to send descriptions of all persons committed for petty thefts and vagrancy.

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771. Earl of *Dudley.*] With regard to what was said just now by the noble Chairman, do not you think that at the present moment, the punishment which is given and the labour which is exacted in every gaol, is discussed and known by the prisoner class generally throughout the country, and that they calculate what amount of punishment they are to receive?

I do not think that; I think that they are extremely reckless as to the consequences of their crimes; they know that a very small proportion of the crimes committed by them are ever discovered, and they think that they will draw prizes though other men may draw blanks.

772. They risk it?

Yes, they risk it; and I do not think that the ulterior consequences of recommittals to prison ever enter into their calculation at all.

773. We hear them constantly say, "We expected only three months"?

Yes, that is their expectation after their arrest, but when they committed the crime they never dreamed that they would get three months, or be discovered at all.

774. You do not think that that enters into their calculation, but they simply run the risk?

I do not think it does.

775. They are carried away by the incitements to crime, and their previous punishment does not deter them?

Yes; I fear that it does not deter them, except in the slightest degree, and therefore it is that I so much prefer the kinds of discipline which are likely to improve the character of the man.

776. Do not you think that that class are governed almost entirely by fear, and that that is the most important question to be considered with regard to them?

No; I do not think so.

777. Lord *Wodehouse.*] Would not your answer come to this, that except for the purpose of reforming offenders, it would be better to abolish prisons altogether, and not go to the expense and trouble of maintaining them?

It would still be necessary to restrain them by imprisonment. I said before, that if it were possible to reform a man without inflicting pain, I should conceive it to be our duty to do so; but that as pain to a certain extent is necessary to produce reformation in the present constitution of the human character, pain must be inflicted; but we do not do it for the purpose of inflicting punishment, but to make punishment a means of improving the prisoner.

778. Earl of *Ducie.*] In short, the only punishment that you would advocate would be that which would have in view the reformation of the offender?

Yes, if that could be done effectually.

779. Lord *Wodehouse.*] And if you were to fail in reforming the offender, the logical result would be that we must give up punishment?

Not imprisonment: you can put it out of his power to commit offences by that means.

780. That is rather inconsistent with your statement, because that is something entirely beyond the reformation of the offender.

Yes, the protection of the public from spoliation and violence is the object, and the reformation of the offender is one of the most powerful means of protecting the public. Speaking abstractedly, there is no advantage in inflicting punishment, but merely as a means of reformation or repression, for the benefit of the public.

781. You just now said, in answer to a noble Lord, that you did not think that offenders were in any respect influenced, when they were about to commit a crime, either by the expectation of punishment, or by the remembrance of past punishment; do not you then see that the result of that must be that, unless you can reform the offender, prisons and punishments are a useless and unnecessary expense?

I do not say that they are not in any degree, but that they are not much influenced by such recollections, because they do not take into account the probability

probability of being discovered; and therefore, in proportion to the small risk that they run, their consideration of the consequences must be small also.

782. *Chairman.*] Have you any special suggestion to make to the Committee with regard to the production of evidence which can establish the identity of a person on his second appearance?

There is one expedient which I have thought might be adopted partly with that view, and partly to obtain a repressive power over a man after he is discharged from prison, which is, to require that all persons sentenced for felony either after the first sentence, or at any rate after the second, should enter into their own recognizances for good behaviour after they are discharged for a certain length of, time, and that the condition imposed upon them should be that they should report themselves to the police, and that their residence should be made known to the police and any change of residence. It seems to me that that would be a great check upon them; and the Secretary of State might have the power of releasing them from their recognizances upon proof from the police that they had conducted themselves well for a certain length of time. That intercommunication would make them known to the police, and their movements would also become known, so that they might be much more easily traced; and this would have the effect which was intended to be produced by the ticket of leave, of giving a proper supervision over the man for some time after he is discharged, without its operating, as the ticket of leave is supposed by many to do, in abrogating a part of the sentence, and therefore destroying the *prestige* of the judgment of the court.

783. Supposing, however, that the prisoner, after his discharge, was either unwilling or unable to enter into recognizances, how would you deal with him then?

It would be merely a personal engagement, and would make him liable to a forfeiture of his liberty if he did not fulfil that engagement. I do not think that it would be possible to bind him over in any money penalty, bnt the man should be told on his discharge, "You will be under supervision for six months (or whatever term it might be), during which time you will have to report yourself once a month to the police, and if you change your residence you must give them a report of your change of residence." That would at any rate keep the men after their discharge in the knowledge of the police for a little while, and if they were found to have got into employment, or to be conducting themselves well, and getting their living honestly, they might be liberated from their engagement by the Secretary of State. I do not think that it would be difficult to work such a system, and it seems to me that it would be a very great security against persons going back into crime.

784. That would be simply establishing, with regard to prisoners who have passed through the criminal courts with less than two years' imprisonment, the same system which is now supposed to be enforced with regard to penal servitude.

Yes; except that it would follow the sentence, instead of being part of it.

785. Lord *Steward.*] If a man declined to give that recognizance, what penalty can you inflict upon him?

Not any in the present state of the law.

786. What object would a man have in entering into such an engagement?

It should be made a part of his sentence. The law would not admit of it at present, but fresh legislation might make it possible, just as is done now in the case of assault. It is very common to order that a man shall be imprisoned for six months, and then give security for 12 months afterwards; and so in this case, instead of giving a money security, which is very often difficult to get, I would let the man bind himself, under certain conditions, to show himself. The registering which would be rendered necessary in that process would make it much more easy to trace a man afterwards, if it was desired.

787. Lord *Wodehouse.*] Would you recommend such a system with regard to prisoners sentenced for very short terms?

No, I would not; indeed, I think that it is unnecessary, unless a man is convicted a second time; I should try it first with the second committals.

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788. *Chairman.*] Is not, very often, the real difficulty this, that when a man appears, in fact, the second time in a court of law, it is supposed that he comes there for the first time, and there is no means of proving his identity?

That happens every day no doubt; but a great number of cases are discovered. There would still be some undiscovered; but it appears to me that this mode of registering a man, and requiring him to report himself for a time, would make the police so familiar with him that he could be easily traced if necessary.

789. Would you bind him to confine himself to one particular district?

Not at all; but he should give notice of his change of residence, so that he may be put under the supervision of the police of another county if he removed.

The Witness is directed to withdraw.

Ordered, that this Committee be adjourned to Monday next, One o'clock.

Die Lunæ, 9° Martii 1863.

LORDS PRESENT:

Lord President.	Earl of Romney.
Duke of Marlborough.	Earl Cathcart.
Marquess of Salisbury.	Earl of Ducie.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Malmesbury.	

THE EARL OF CARNARVON, in the Chair.

EDWARD SMITH, Esquire, M.D., LL.B., F.R.S., is called in, and examined as follows:

790. *Chairman.*] I believe you belong to the College of Physicians?
Yes.

791. Will you be good enough to state to the Committee what are the different qualifications which you possess?
I am a Doctor of Medicine, a Bachelor of Laws, a Fellow of the Royal Society, a Member of the Royal College of Physicians, and a Fellow of the Royal College of Surgeons.

792. And you are Physician to the Hospital for Consumption at Brompton, are you not?
Yes.

793. You have recently been appointed, have you not, by the British Association to conduct a certain inquiry?
Yes, for three years.

794. Will you state what the nature of that inquiry was?
It was a general inquiry as to the precise effect of prison discipline and dietary upon the bodily functions of the prisoners. We have gone through an elaborate series of inquiries, which have formed our first report; and we should have issued last year a second report, but the results of the inquiry were imperfect. This year we shall be required to present a second report.

795. I think that in that inquiry you had the sanction and assistance of the Royal Society?
Yes.

796. Has the inquiry itself extended over a large field of operations?
It occupied a month in inquiries at Coldbath Fields on the functions of four prisoners, the aim being to determine precisely the *ingesta*, or the amount of food taken into the body during the day, and the amount of material passing out of the body during the day under the different conditions of treadwheel labour and of rest, and with the ordinary dietary and certain special kinds of dietary, such as tea, coffee, alcohol, and fat. A similar inquiry was carried out at Wakefield upon a number of prisoners, under Mr. Milner and myself, who were a Committee appointed by the British Association. Mr. Milner is the resident surgeon at Wakefield, on the Government side of the prison. There we determined the effect upon two tailors, taking theirs as light labour, and upon two prisoners making the wide widths of matting, which is

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for a manufacture very heavy labour, taking the same course as in the other inquiry to determine precisely and scientifically the relation between the *ingesta* and the *egesta*, and to determine the effect of weight, and all questions of that kind incidental to it.

797. You extended this operation so far as to experiment upon yourself, did you not?

Yes, the experiments began upon myself. I have determined in many prisons the effect of treadwheel labour upon myself, and in several prisons the effect of crank labour, the shot drill, and other punishments.

798. In fact, you have given the subject very considerable study and consideration?

It has formed a large part of my scientific work during the last seven years.

799. Will you have the goodness to state to the Committee what works you have written upon the subject?

There were three papers read before the Society for the Promotion of Social Science, two of which were published in their transactions in 1857, and one before the British Association in 1861. There were two papers read before that time, but the report which I published separately was in the Transactions of 1861. There were also three papers read before the Royal Society, and published in the Philosophical Transactions, two in 1859 and one in 1861; and there have been a number of papers and short reports of experiments upon myself read before the Committee of the Social Science Society, on Prison Punishment and Reformation, and published in the "Philanthropist" in 1858. A paper on a new scheme of prison dietary was published in the Dublin Medical Quarterly of 1860, I think.

800. In this inquiry you have considered, have you not, the effect not merely of diet, but of punishment also, combined with it?

Yes.

801. The Committee propose to examine you with regard to dietary, in the first place, with reference to labour; and dietary, in the second place, with reference to punishment. Taking it under the first head, that of dietary in reference to labour, I presume that you would adapt the division of labour into hard and light?

Yes.

802. The hard labour would probably include the treadwheel, the crank, and machinery, and the lighter labour would include the picking of oakum and trade instruction?

Yes. The only point that I find it difficult to arrange in that way is stone-breaking. If we take amongst the hard labour the treadwheel, and all kinds of crank labour, such as grinding, pumping and the ordinary hard labour crank, and the shot drill, we have three well-defined species of hard labour. If, on the other hand, we take as light labour the ordinary manufactures, not including the wide widths of matting, but taking the ordinary manufactures, such as tailoring, the repairs of the prisons, the manufacture of the clothing of the prisoners, rope-making, and I think you may include oakum-picking, then stone-breaking might be added to hard labour; but that must entirely depend upon the amount of work that a man does; he may make it light labour or heavy labour, according to the exact amount of labour required of him, but I think it must be classed amongst the hard labour.

803. You would have no hesitation in placing the trade instruction in the class of light labour?

No.

804. What is the amount of either hard or of light labour which you would consider a fair proportion during the day?

I find it very difficult to answer that question, inasmuch as the punishments for hard labour are so various in their effects upon the system. I should require to consider each instrument of punishment, and then form an estimate of the effect of it upon the body, before I could determine what the relation of it would be with no labour, or with any other given kind of labour. At present the influence of the punishments by the treadwheel and cranks of every kind is extremely various, so that the waste of the body would vary from about twice the ordinary amount up to five and a half times, and yet

yet those punishments are given indiscriminately, so that I do not see how I can answer that question precisely at present.

805. Assuming that the treadwheel be the engine which is to be employed in hard labour, could you assign any limit to it, in point of duration, for a day's work, as hard labour?

I think that the system which is adopted at Coldbath Fields, which is $3\frac{3}{4}$ hours of treadwheel labour, a quarter of an hour on the wheel, and a quarter of an hour off the wheel, making $7\frac{1}{2}$ hours as a day's work (assuming that the treadwheel work was regulated properly, with regard to speed and other matters to give it uniformity of action), would be a fair and proper day's work at hard labour.

806. Are you of opinion that whatever be the labour, whether it be hard or light, it should always be a full day's work?

Yes; I think it should be a full day's work.

807. How would you define a full day's work?

I think with regard to manufactures, that a day's work ought not to be less than 10 hours a day; and with regard to hard labour it should be less, say $7\frac{1}{2}$ or 8 hours a day.

808. Are you aware that in the Act of Parliament, which regulates these matters, 10 hours a day are assigned as the maximum for treadwheel labour?

I am not aware exactly; but I know that there is a maximum period, and that there is also a maximum ascent beyond which they may not pass.

809. Would you employ a prisoner on the same kind of labour during the whole course of the day, or would you vary it?

I think it is very important to make the prison punishments absolutely uniform, and that a certain degree of monotony in that uniformity is not at all unwise. If, therefore, prison punishments could be devised, or could be selected, which would each and all have the same effect upon the system, I think that object would be met whether you varied them or not; but if only one or two were selected, my belief is, that it would be better to keep it uniform, and have it all treadwheel labour, or all crank labour.

810. From your experience, are you aware whether a large part of the day, in a majority of gaols, is spent in idleness?

A very large part of the day.

811. From what you have stated, I infer that you are averse to that?

Yes; I think it very injudicious.

812. Is it an object that hard labour should be more or less conducted in the open air?

I think that object very important, if there be a fair protection from the cold and wind. Hard labour, of course, gives rise to a very much greater amount of respiration than light labour or no labour, and if it be performed in the open air, the air breathed would be purer, and the other arrangements would be more conducive to health.

813. The fundamental rule which the Committee would wish you to keep in view in considering this question of hard labour, would be first of all, that health must be sustained under any kind of discipline which is to be imposed; secondly, that the labour should be administered in the most economical form possible; and, thirdly, that due punishment should be inflicted; would you be good enough to state to the Committee whether, in your consideration of this question, you have given due weight to all these three points?

Quite so.

814. With regard to the diet, I believe that in those prisons of which you have had experience, the differences of diet are very considerable?

Very great.

815. Can you explain that to the Committee?

There is no uniform dietary enforced by the Government, and I think that that is a fundamental defect. A dietary is recommended by the Home Office, and any scheme of dietary must be sanctioned by the Home Secretary,

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but there is none enforced, and the result is that the Visiting Justices of the different prisons adopt such a plan as seems to them to be good within the limits which are allowed by the Home Secretary. Therefore it seems to me that the want of an authorised and enforced system of dietary by the Home Office is that which leads to all the diversity now existing in that respect.

816. The scale of dietary laid down by the Home Office has been adopted, has it not, by a certain number of prisons?

By about one-half of the number of the county prisons, I believe.

817. And of the remaining half, some are above and some below that scale?

Yes; they are very different indeed.

818. Can you give any practical illustration to the Committee of the amount of discrepancy which exists between those different diets?

If we take the case of meat, which is perhaps the most striking case that we can take, at the time that the report was published in 1857, of the "dietary for convicts, &c." which I take as my authority in this question, at Cardiff gaol, they allowed no meat whatever. On the other hand, the gaols in Middlesex allowed six ounces of cooked meat on four days in the week, and four ounces of cooked meat on three days in the week; and the same occurred also in Brecon gaol, one of the Welsh gaols. That is for the highest class. On the other hand, for the lowest class, there is in no gaol any meat allowed, and that dietary is extremely insufficient in all the prisons. A discrepancy occurs again in the way that the classes of dietary correspond with the duration of the imprisonment. A person imprisoned for seven or fourteen or twenty-one days, has a much lower dietary than one imprisoned for a longer period. A discrepancy occurs therefore in the length of time during which this very low dietary shall be given in the different gaols, so that in Cardiff gaol the highest scale of dietary begins after 14 days' imprisonment, whereas in many other gaols it begins after four months, and the dietary being very meagre, even in the highest class in Cardiff gaol, renders the discrepancy so much the greater, because it never can exceed the dietary which is given for that period.

819. Looking at the dietary as one part of the sentence which it is required should be carried out in prison, is there not the greatest variety as to the extent of punishment inflicted upon different prisoners for the same offences in different counties, or even in different parts of the same county?

The greatest diversity, both in punishment and in the dietary.

820. In dealing with this question, would it not be necessary, in the first instance, to get at some uniformity of practice by determining the nutritive value of the dietaries?

Without that nothing can be done. A return of the different dietaries is quite valueless for reference at the present time, because it cannot be summarised unless it could be reduced to the elements of nutrition, the nitrogen and carbon contained in the food.

821. Do you believe that in many gaols there is a considerable excess of food given at present?

Yes.

822. On what ground do you come to that conclusion?

The quantity of nutriment supplied at the Wandsworth prison, which I have been recently requested to determine from their scale of dietary, shows that in the highest class, and I think also in the gaol at Coldbath Fields, the amount of carbon furnished is nearly 37,000 grains per week; whereas the quantity which I believe to be necessary, and which I have recommended for the Lancashire operatives, ought not to exceed 30,000 grains, so that there is an excess of 7,000 grains of carbon in the Wandsworth dietary. Then, as I have said before, the meat at the Coldbath Fields prison seems to me to be much in excess of that which is obtained by the labouring population of this country, and therefore I think much in excess of what should be found in prison discipline.

823. The two elements with which, chemically, you have to deal are a certain portion of carbon, and a certain portion of nitrogen?

Yes.

824. The

824. The nitrogen is an element which is supplied mainly by meat, is it not?

By meat, milk, eggs, and cheese—these kinds of animal food, in fact, supply a larger portion of nitrogenous elements in relation to carbon than the vegetable foods do.

825. Would it, in your opinion, be possible to construct such a dietary, by either the employment of milk or of cheese, or of other food of a similar quality, or by a combination of them, as would enable you to dispense in a great measure with meat, and yet would sustain the health of the prisoners equally well?

I am not at present able to say whether meat may be entirely dispensed with, but taking the expression your Lordship made use of, "in a great measure," I can quite answer that question in the affirmative.

826. Do you believe that you might reduce the allowance of meat which is granted in most prisons without in any way impairing or affecting the health of the prisoners?

Yes, I am quite sure that that might be done.

827. Would you explain to the Committee a little on what principle you would act in that case?

It would seem to me that the right course of proceeding would be this, to determine the amount of food which is necessary to maintain a person in fair health in the open air, and to endeavour so to arrange that it shall also maintain the prisoner in health in a state of confinement. The difference of the two conditions is mainly, or, perhaps, entirely this, that in confinement you have less vital action in the body, less digestion of food, and less assimilation of food or conversion of food into the tissues of the body. The aim, therefore, should be so to arrange the prison discipline that there shall be such an increase of this assimilation over the present amount with inaction as shall enable the cheap food which is sufficient for the support of an agricultural labourer to keep the prisoner in health. If that be not not done, it will be necessary, as we do at present, to give more nitrogen. With the deficient assimilation existing in confinement, you must increase the meat or the milk—the nitrogenous foods, in order to increase the vital action of the body; but if you adopt the other course, that of giving them exercise and fresh air, such as a labourer would have, you do not need to give a proportionhte increase of nitrogen; you therefore assimilate the conditions of a prisoner much more to those of an ordinary labourer, and you will not give them a dietary beyond that of any ordinary labourer, either in quantity or in quality.

828. Therefore, are the Committee to understand from that answer that, labour and meat both tending to stimulate the vital action of the body, labour, to a certain extent, in your point of view, might be made a substitute for that amount of stimulation which you would gain by meat?

Quite so.

829. *Lord President.*] I presume it is not merely the use of the muscles which gives that power of assimilating, but it is the increase of nervous power altogether?

Yes, the increase of respiration is probably a fundamental question.

830. Would their being upon the treadmill produce the same effect upon a man of 20, and another of 40?

Yes, the effect would be the same, if it were in the open air; let the other conditions be the same, the effect would be the same.

831. Do you think the effect upon the mind has nothing whatever to do with that?

I think the mind may have some influence, but not very much over the great mass of prisoners. If you take the case of a prisoner who has moved in a higher station in life, the effect upon his mind may influence his vital powers no doubt, but with regard to the great mass of prisoners, I do not think that has any material influence, or that it much needs to be considered in the question of prison discipline, if other things are duly considered.

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832. As a general rule, a labourer feels some sort of interest in the work in which he is employed; whereas a prisoner finds the treadwheel or the crank simply irksome?

Yes, that is so, no doubt.

833. You think that the effect of imprisonment upon the mind or the nervous system has nothing to do with the power of assimilating?

Practically speaking, not much, I think; I of course assume that proper exertion is to be made. Without the exertion, there might be a considerable difference, but the exertion would take away the evil influence of the condition of the mind.

834. *Chairman.*] Therefore, the point which you would wish the Committee to understand is, first of all, is it not, that in many gaols there is a considerable excess in the food, and especially the food of an animal nature which is now allowed?

Yes.

835. And, secondly, would you be prepared to say that there is a deficiency of labour?

I think there should be no imprisonment without labour, and therefore when labour is not given, or is given very carelessly and very variably, as it is in different prisons, there must be a deficiency. But labour and exercise I would take, in a mere medical sense, to be a certain amount of exertion in the open air.

836. Whenever you have a deficiency of labour, you might make either the labour or the open-air exercise, whichever it be, more or less a substitute for the amount of nitrogen which otherwise would be supplied in meat?

Yes, quite so.

837. Consequently, a farinaceous and vegetable diet, with possibly the same nitrogenous element introduced, but kept subordinate to it, would be such as would sustain the health of the prisoners, and might be used with safety?

Yes. Perhaps I should state, that in nature all carbonaceous food, such as starch, is almost always found associated with a certain portion of nitrogen. In bread, which is the staple of our dietary, and must be of every cheap dietary, the proportion of carbon and nitrogen is one of nitrogen to 22 of carbon; the proportion in milk, taking the more expensive and the more nitrogenous dietary, is one of nitrogen to 11 of carbon; therefore double the quantity of nitrogen in proportion to the carbon. If, therefore, you increase the labour, you are compelled to increase the nitrogen, because you must increase the carbon, and you must increase the nitrogen in the food in the same proportion as you would increase the carbon.

838. Marquess of *Salisbury.*] Is it the labour that increases the nitrogen, or is it the necessity of giving other food?

The necessity of giving more food; with increased labour you must give more food.

839. *Chairman.*] Consequently, are the Committee to understand that it is a fallacy to suppose that the increase of hard labour of necessity involves the increase of animal food?

I believe it is a fallacy. With the increase of labour you must give more food, but that food may be of the cheaper kinds, the farinaceous kinds of food. You do not need to give more milk and meat, which are the higher nitrogenized forms of food, the labour supplying the vital stimulus sufficient for the assimilation of the lower and cheaper kinds of food. I would just mention to the Committee some most important experiments with reference to this matter which have been made very recently. Two German chemists, Bischoff and Voit, at the same time that I was making experiments on the treadwheel, put a dog in a spitwheel, which is a similar thing to a treadwheel, and kept the dog at work for a number of days, and they ascertained that the amount of nitrogen passing out of the body was not in the least increased by the increase of exertion. The effect which came out in my experiments on the treadwheel was almost identical with that—that although you increase the waste of the body five or six times, yet during the period of waste you shall not throw out of the body more nitrogen than you throw out during rest, which is a very striking basis for the statement which I have

have made now; and if it do not come out of the body you do not need to put it in; you do not need therefore with increased labour to give a proportionate increase of nitrogen.

840. Would you therefore go so far as to say that in a strictly medical point of view hard labour is necessary to a prisoner?

Yes, labour or exercise, to put it in that form.

841. Would you go further, and say that the want of that labour would be calculated to produce a depressing effect upon the mind of a prisoner?

Yes, and the prisoner would require a higher kind of food.

842. Consequently you are of opinion, are you not, that every prison system, in a strictly medical point of view, ought to embrace labour as one of the constituent and necessary parts of the system?

Yes, I think so.

843. Reverting to what you mentioned just now with regard to the different elements of diet, would you be good enough to state to the Committee what you would consider to be the basis of prison diet?

I think the basis should be the dietary which is in use by a large section of the community, say our agricultural population; that should be the basis of an experimental dietary, for at present we have not the information necessary to enable us to construct a dietary which shall be final, and therefore in any question of dietary, I should regard this as experimental, and that the basis should necessarily be that which is known to sustain in health a large section of the community, such as our agricultural population.

844. You believe that a dietary might be constructed upon a basis which, if it did not absolutely exclude meat, would be able to exclude it to a very considerable extent, and provide a substitute for it, which would equally sustain the health of the prisoner?

Yes; I have the conviction, that a dietary may be framed which shall contain a little milk, it may be, or bone liquor, or meat liquor, and which shall be sufficient for all the wants of the system, with light labour, entirely excluding meat.

845. When you come to increase that labour to hard labour, what would be the proportionate addition which it would be necessary then to make to the diet?

In the experiments, I should have of course to calculate the effect of a particular punishment upon the system, and as my experiments have enabled me to make those calculations, I can very readily communicate them to the Committee. If crank labour were the labour in question, the effect upon the body during the period of the labour, is to increase the waste from two to three times, and since there would be, either with or without labour, the period of the night when there would be no labour, taking the whole 24 hours, the increase of the waste of the system on the whole 24 hours by the crank labour, is one and-a-half. With regard to the tread-wheel, the increase of waste during the period of its continuance is five and a half times; but taking into account the whole 24 hours, the increase is equal to twice. The increase of waste by the shot-drill, with a 16 lb. shot is four times; and, with a 24 lb. shot, it is 4·1 during the period of labour; as it is never employed for a whole day, I have not calculated its effect over the 24 hours. The quantities I have named are sufficiently accurate for all experimental purposes, and I should give the prisoner an amount of food corresponding with that increase of the waste of the system.

846. Do you think it would be possible, proceeding on the basis of that calculation, practically, to reduce that theory into a system of prison rules, and to allocate, as it were, to each prisoner the amount of food which he ought to have in proportion to the length of time that he is employed, and to the particular kind of labour upon which he is employed?

Quite so; I believe that the effect of all prison punishments might be made uniform, except where such an effect would be dependent upon the variations in the bodily health and strength of a prisoner, but the effect of all prison punishments should be made uniform, and the diet may be arranged so as exactly to meet the effect of that labour upon the system.

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847. Earl of *Malmesbury*.] You stated did you not, that meat could not be entirely dispensed with?

I said that I was not sure that it could be.

848. Are you aware that many thousands of our labourers in the south and west of England, never eat any meat at all?

I am not aware of that as an absolute fact; I believe they eat but a very small quantity of meat, but they do occasionally get it so far as I am informed; but at present we have nothing, I think, stated absolutely to that effect.

849. That, however, is the case in a very large portion of the country with which I am acquainted; indeed, I may say in several counties, that they live upon bread and cheese and vegetables, and sometimes bacon, but perhaps that only once a week; but what we should commonly call meat, they do not use; is that the class upon which you would found the basis of the dietary of which you spoke just now?

Yes, that would be the class I should take, but I should reckon bacon is in some sense meat, because although bacon consists very largely of fat, yet there is a considerable quantity of animal tissue or nitrogenous matter in it; and of course the leaner parts have as much nitrogenous material as other meat has.

850. With regard to a subject which has been alluded to this morning, it has been stated that the vital powers of prisoners fail in confinement, especially at first, and that that is occasioned by the impression upon their minds re-acting upon their nervous system; you stated, did you not, that if they took proper exercise, in the majority of cases, that would not take place or at least to a very small extent?

Yes; perhaps I may say that an experiment was made at Wakefield a few years ago by which a short amount of extra exercise was given per week; I cannot say the exact amount, but it was only a short period; yet it very materially reduced the extra diets which indicates that it materially increased the health of the prisoners; and the result of that experiment is now in print.

851. You are probably aware that the greatest number of prisoners of a lower class, in fact, almost all who are found in our gaols have during their previous lives been very irregular in their habits, and been accustomed to imbibe a considerable quantity of alcoholic liquors; that being the case, would not the sudden stoppage of those stimulants produce the effect which is said to take place when they are first confined, and occasion a collapse of the vital powers?

I do not know quite how to answer that question, because I do not know that I could admit that there is the very large depression which the question seems to indicate in a healthy state of the prisoners; and then as regards alcoholic liquors, I do not admit them to be stimulants in the ordinary sense. I do not think that they do necessarily increase the vital action; I think that they diminish vital action when taken in the quantity to which your Lordship refers, and therefore that the absence of alcohol would rather tend to increase the vital power.

852. If a man has been accustomed to drink a large or even a small quantity of spirits or wine, and he is suddenly deprived of the means of continuing that habit, does not he at first for some time experience a mental depression from the want of those stimulants, and undergo a general collapse of the spirits and of the strength?

I think he may feel it, but not in such a way as will interfere with his health, assuming of course that the person is in fair health to start with.

853. Assuming that what has been so generally stated may be true, and that under such circumstances a collapse of the vital powers is produced, do you think that if those men had been accustomed to drink a great quantity of beer and spirits, the sudden deprivation of them would not be felt by them for a considerable time after they are sent to prison?

Not so as to injure their health. I should state with reference to that that those are questions which I have investigated very thoroughly in the papers which I have published, and the experiments made on the question of alcohol. There is now a great difference of opinion with regard to the action of alcohol, and the necessity for it, compared to what was the state of things a few years ago

ago. It is not now believed that any material disadvantage would arise from the sudden stoppage of alcoholic stimulants, assuming the prisoner to be in a fair state of health.

854. You will understand me, that I do not insinuate that depriving them of spirits would eventually and permanently injure their health, because it would probably improve it, but speaking of the effects when they are first imprisoned, it has been constantly stated, and we have had it in evidence before us, that when prisoners are first imprisoned there is a great collapse of their vital powers. Supposing that to be true, may not that be occasioned in the case of men who are accustomed to drink stimulating liquors by their being suddenly deprived of those liquors?

I have said before, that I do not believe that that can occur in a way that will injure health, or that will injure any function of their body.

855. Nor to occasion any temporary difference in their health?

No; I should think that a plan such as I have been mentioning, where, from the beginning, you would give the prisoner sufficient food and sufficient exercise in the open air, would prevent that collapse of which your Lordship has been speaking.

856. With regard to the increase of food necessary to a man taking exercise, have you observed that men in good health taking a considerable amount of regular exercise, gain in weight as compared with their former weight when they were leading a sedentary life, although the quantity of food consumed be the same at both periods?

Yes, but do I understand the question to be this, that having taken a certain amount of exertion, and that exertion having ceased, they gain weight.

857. Supposing a man, as many of us do, pass half the year in a sedentary mode of life, and afterwards take a considerable deal of exercise, but living under the same conditions of food, does he gain weight when he takes exercise rather than when he passes a sedentary existence.

When that occurs, it must be from that which has already been mentioned, namely, that with the increase of labour, and the increase of respiration in the open air, you increase the functional activity of the system, and thereby the assimilation of food; but I do not think that that can be taken as a universal statement; on the other hand, in prison discipline, at first the prisoner almost always loses weight, even with a fair dietary, but that loss of weight is not a loss of flesh in the sense in which it is generally understood; it is the loss of fluid passing from the body, and of fat. Therefore the converse might as well be stated; if any of us for a short period do not take our usual exercise we gain weight, not because we have increased in flesh, but increased in fat and the fluids contained in our bodies.

858. The amount of weight is not a proof of health?

No.

859. And the diminution of weight is not a proof of losing health?

Not at all; it may be the reverse sometimes.

860. Then that substance which you do lose under those circumstances is not the healthy part of your system?

It is not even a necessary part of the system; supposing we took a Turkish bath, we should lose perhaps three pounds weight by perspiration, and if a person could afford to lose three pounds of fluid from the blood and tissues he would be all the better for it, but if he were a thin person, and could not afford to lose it, of course he would be so far injured by it.

861. Earl *Cathcart.*] With regard to a question which has been put to you last, you stated that the necessity for additional food would be done away with, if more exercise were given; in speaking of exercise, you refer, do you not, to exercise in the open air?

Yes.

862. When you answered the question you did not mean that more exercise in mat making, or in any in-door occupation, would do away with the necessity for additional food; but you referred to exercise in the open air?

I think that it should be arranged with regard to all occupations that the

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prisoners should breathe good air; it does not follow that it should be open air, but good air, of which the effect would be the same.

863. When there are a large number of prisoners together in the prison workrooms, the fluffy matter and other things so contaminate the atmosphere that you would not expect it to be very pure?

The aim should be to make it pure. I know that it is not altogether pure at present.

864. When you answered the question of the noble Lord, did you mean exercise in the open air or labour within doors?

Labour, apart from every other question, will increase the vital action of the body, whatever that labour may be, and however small in degree. I cannot move my hand without increasing the vital power in an appreciable manner, in a degree which I can scientifically estimate; but if it be in the open air it will increase the health much more than if the air be impure.

865. Referring to a question which has been put to you with regard to the depression caused by the powers of mind and the influence of the mind upon the body, are you acquainted with the last work written by Sir Benjamin Brodie, his "Psychological Inquiries"?

I have read it.

866. You remember that in that book he recognises the immense importance of considering the influence of the mind upon the body; do you not concur with Sir Benjamin Brodie in reference to that?

The influence of the mind upon the body is, no doubt, very considerable.

867. You rather surprised me in your answer to the noble Lord President's question, that you did not attach so much importance to the influence of the mind upon the body as I had been led to attribute since reading what Sir Benjamin Brodie has written upon the subject; but with regard to your medical reading, have you not read that there is an immense difference between the advance of an army and the retreat of an army with respect to the feelings of the officers and the men; that is to say, in the advance they are full of spirits, but in the retreat they are weak and dispirited?

I have no doubt of it.

868. The more the mind is depressed, and the more intellectual the prisoner is, the more liable is he to catch that impression?

I have little doubt of it.

869. Have you not read that in the Foundling Hospital at Paris they tried to feed the children upon a liquor made with bones in an apparatus like a digester?

Those experiments were made by what was called the "Gelatin Commission," and they ascertained that they could not feed dogs upon bone liquor; but we have ever since questioned the results obtained from this very ground, that they gave them only bone liquor, and it is manifest that no animal can live upon bone liquor only; but whether that liquor may be made a part of the dietary is quite a different question; and when I take gelatine, which is a material obtained from bones, I find that it is transformed into the nitrogenous compounds which pass out of the body, and therefore it must be useful as food.

870. Are you not aware that the children at the Foundling Hospital in Paris who were fed upon this bone liquor (of course there was other food given with the bone liquor, such as bread and other things), became exceedingly scrofulous?

I am not aware of that experiment.

871. Are you aware that a number of persons cannot adopt a milk diet at all?

There are very few, speaking generally. As physician to the Consumption Hospital, where I have to order milk in all my cases (and I have many thousands of them), I find that if the milk be varied in quantity, and given hot, and sometimes skimmed milk be given where new milk cannot be taken, very few persons, speaking in a general sense at any rate, could be found by whom milk could not be taken.

872. You

872. You state that you would give exercise in the open air, and not so much meat; bearing in mind the great variation in the climate of this country, what species of open-air exercise would you propose to give the prisoners?

The best kind of exercise I think that I could suggest is stone-breaking; that meets the question in almost every aspect.

873. Are you aware that stone-breaking is not remunerative at all, and that the expense of bringing the stone into the yard, and carting it out again, is more than the value of the labour bestowed upon breaking that stone?

That may be so. I do not know that; but I think this, that the effect of the system would be the best of any punishment that could be devised for prison discipline, in reference to health and as discipline also, because the punishment is rather degrading in its nature; it is also exercise in the open air, and it should be in some places remunerative.

874. You are aware that, out of doors, it is considered the occupation mostly of old people; and that people who are incapable of other work are employed in stone-breaking in rural districts?

It is very likely.

875. So that if stones were all broken in prison, it would have a material effect upon the means of gaining a livelihood of a great many most respectable persons?

There is a great demand for broken stones in towns; therefore I believe that that objection would not apply universally.

876. With regard to the diet of the labouring class, you are aware that it differs most materially in different parts of the country?

It differs in the names of the food used. I do not think it differs so much in the nutritive materials contained in the food.

877. Do you not attribute much importance to the experience of all the gaol surgeons throughout the country, who have constantly had the regulation of the diet of prisoners under their supervision?

When I see the greatest possible diversity in the labour enforced, in the rotation of that labour, and in the dietaries, and that the dietaries depend merely upon the duration of the punishment, I cannot see any necessity in the case. I could not, therefore, inform myself as to what are the opinions of the surgeons upon that point.

878. Have you not considered the extraordinary diversity which there is in different sentences for the same offence?

I know that there is a great diversity in that respect.

879. Do not you think that the carrying out of the system of diet in different prisons depends in a great measure upon the experience of the surgeons?

I think if there were a basis diet adopted, which would be proved upon good principles to be sufficient for the prisoners in ordinary conditions, then the surgeon must have power to increase it in states of ill health, or those tending to ill health.

880. Do not you think that the increase of the dietary by the surgeon would be the rule and not the exception?

The aim should be that the standard dietary should not be too low, but sufficient to maintain the system in the condition in which it is placed.

881. I observe in one of the last Inspector's Reports, that in one prison the surgeon gave ale to above 50 of the prisoners; could you conceive any circumstance which would justify a surgeon in so doing?

I should not do so myself, certainly; but there is a great difference of opinion amongst medical men on this subject, arising out of their imperfect knowledge of the action of alcohol. On many of those questions I should say that science is greatly increasing our knowledge, and that we must not take authority as our guide always.

882. Is not the giving of molasses a cheap form of administering carbon to the system?

It is one of the forms, and it is considerably cheaper than sugar, but it is much dearer than starch. In my report on the nourishment of the Lancashire operatives I have shown that sugar is three times dearer than oatmeal as a nutrient, omitting any reference to the nitrogen contained in the oatmeal.

 883. Are

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883. Are you aware that in cattle feeding, and the feeding of pigs, molasses is frequently given as a cheap means of administering carbon to the animal system?
Yes, but Lawes and Gilbert, who are the great authorities upon those questions, have shown that sugar is three or four times dearer than starch in its fattening properties upon cattle.

884. Could you put in a statement of the diet, which is considered the standard of diet as allowed in one half of the prisons in the country, which you have already referred too?
I have not such a statement, but it is in the "Dietary for Convicts, &c." which was published in 1857 by the Government.

885. Would you refer to that dietary and tell the Committee in what manner you would alter the diet table if you were going to propose a standard?
I am quite familiar with it; I think that the lowest class is so low that the system could not be sustained upon it.

886. *Chairman.*] Would it not sustain an individual for a short time only?
I think that every day the system must lose.

887. Earl *Cathcart.*] Will you take the lowest class of dietary at page 45, and state what it is—take breakfast first?
At breakfast they are all allowed a pint of oatmeal gruel, which contains two ounces of oatmeal, and two ounces of oatmeal will furnish 350 grains of carbon and 17½ grains of nitrogen; on each alternate day the gruel is sweetened with ¾ oz. of sugar or molasses, which will give 131 grains of carbon. The quantity which I have recommended for the Lancashire operatives, and which is, I think, only that which is necessary for the wants of the system, is 1,400 grains of carbon for breakfast and 70 grains of nitrogen; therefore two ounces of oatmeal bear no proportion whatever to the wants of the system; 1 lb. of bread is also taken at dinner, or divided between the three meals, and therefore of course that must be taken into account; and a pint of oatmeal gruel is also given for supper. The total daily nutriment is, carbon 2,791 grains, and nitrogen 124 grains.

888. Marquess of *Salisbury.*] Could you put that in in the shape of a return?
Yes, I will do so.

889. Earl *Cathcart.*] Do you consider Class I. of the Secretary of State's dietary sufficient?
I think it totally insufficient.

890. Do you think that it is totally insufficient even for a small man?
It is totally insufficient for any man.

891. Then for a very large man it is almost starvation.
It is starvation.

892. *Chairman.*] Are you speaking now with regard to the dietary of "convicted prisoners confined for any term not exceeding seven days"?
Yes; I should like always, in speaking of this subject, to refer to what takes place on one day. I say that on the particular day on which you give the prisoners this food it is insufficient, and therefore the less the number of days, the less the injury, and the greater the number of days the greater the injury. The evil occurs rather in those persons who are often committed for short periods. When it happens only once or twice, I am informed that it has little influence practically, but it is when they are frequently recommitted for short sentences that material injury is caused to their health.

893. Earl *Cathcart.*] What is your opinion of Class II.?
I should think that insufficient also.

894. What is your opinion with regard to Class III., the dietary for "Convicted prisoners employed at hard labour for terms exceeding 21 days, but not more than six weeks?"
I should think that that scale is abundant; there is more meat than is necessary, generally speaking, both in Class III. and Class IV. and Class V. I consider with regard to meat, Classes III. and IV. are abundant.

895. Is it not often the case in the longer terms of imprisonment that occasion arises for additional food?
Not in the way that I have been speaking of. If you give them from the first

first a sufficient dietary and a sufficient amount of exercise in the open air to enable them to digest their food, then there is no necessity for increasing the food with the duration of the imprisonment.

896. Have you noticed, in your visits to various prisons, that the prisoners have generally a blanched and bloodless look ?
Yes, I have noticed that.

897. To what do you attribute it ?
Merely to the want of due assimilation of the food, and that may be proved in another way. The amount of fæces passed by all the prisoners in our experiments, was 10 ounces a day, whilst the amount passed by ordinary members of the community, is only four. There you find a waste of material passing off from the prisoner to an amount equal to that contained in a pint of milk a day, which shows that the prisoners' blanched appearance is owing to their deficient assimilation of food.

898. When you treat cases of insanity, do you not give the patient very nutritious food ?
It is very important to do so.

899. Would not the influence of insufficient diet be to superinduce insanity ?
It would of course lower their physical condition, and therefore have a tendency in that direction.

900. Are you aware that insanity prevails to a great extent in prisons where there is an insufficiency of diet?
I am not aware of that as a fact.

901. You stated, that you object very much to prisoners passing their time in idleness; when you speak of idleness, do you refer to the case of prisoners who are put into cells on purpose that they may reflect, and that minds may re-act upon themselves ?
I can only speak of it in a medical sense, and in that point of view I am sure it would injure the health. Solitary confinement, without labour, I should object to, so far as health is concerned; in that case, the system would go down in spite of anything that you could do, and in spite of any diet that you can give.

902. Duke of *Marlborough.*] In answer to the question put to you by the noble Lord, you have just stated, that in some prisoners who had a blanched look, there was a greater waste from the system, than in the case of persons in the ordinary state of life. To what do you attribute that greater waste ?
To the passing out of material unused; I do not refer to the waste of the system, but to the waste of food.

903. To what do you attribute that ?
To defective assimilation, due to defective vital action.

904. Do you mean defective digestion ?
Yes; and a further act, which is called assimilation, which is the absorption of the digested food and its conversion into the tissues of the body. Those two acts may be separated partly, but they will generally go together.

905. To what do you attribute that defective assimilation ?
To whatever forms a component of the confinement, to the effect upon the mind (whenever that effect occurs), of deficiency of exercise, to the want of movement of the air which is necessary to the vital actions of the system, and where confinement is maintained in cells, to deficiency of light. All these things, the deficiency of light, the diminished purity and decreased movement of the air, and the deficiency of exercise, must have an effect upon the man; and all these will occur together in the conditions of confinement.

906. Then the Committee are to understand that you consider exercise to be indispensable in order to produce that assimilation which is requisite to health ?
Quite indispensable.

907. With regard to such work as mat-making and those employments which would be conducted in a sitting posture, such as breaking stones or anything of that sort, would those be descriptions of exercise which would conduce to the proper assimilation of the food ?
I think

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I think you must have movement of the whole body in addition to that. The effect of ordinary manufactures is to increase the waste of the body during the period of work to about one-half more than that occurring at rest; but in the exercise which they give them in the round ring in prisons, where the speed is about three miles an hour, the waste is about three times the amount of that ordinarily proceeding from the body.

908. In the comparisons which you have given, you suggested, did you not, that the prison diet should be assimilated as much as possible to the diet used by agricultural labourers in different parts of the country?

Yes.

909. Are not the species of occupations which prisoners might be expected to follow in gaols rather those of a manufacturing population than what agricultural labourers would pursue; for instance, are not such occupations as mat-making and stone-breaking in a great degree sedentary occupations not involving the motion of the entire body, as is the case with the agricultural labourer?

Yes; I think the difference is, that in one case you have less exposure to the open air, and a less general movement of the body; but both conditions can be met by giving periods of exercise alternating with periods of mat-making.

910. Have you ever in the course of your experiments endeavoured to ascertain what is the amount of waste upon the body of persons engaged in weaving, or any of those pursuits which persons follow in manufacturing towns?

My experiments have only been made with walking and all kinds of labour in which the body altogether is moved, and the effect of walking at certain definite rates of speed; my endeavour has been to compare all other labour to walking at definite rates; at present no experiments have been made upon labour conducted in a sitting posture only.

911. Would it not be very important that experiments should be made in that particular branch of labour, in order to see how far prison labour, which is assimilated to that more than any other, can be judged of by comparison with it?

It would be very valuable; but we know the limits of waste; we know that it cannot exceed 1½ in ordinary cases.

912. You stated, did you not, that there is great disparity of diet in the different prisons?

Yes.

913. In some prisons the diet, as prescribed by the Home Office, is not followed; and, in fact, diet of a much more generous kind is allowed in those prisons. If you were asked, what should you say is the prevailing opinion among the prison authorities in those cases where an over-generous diet is allowed?

I think that that has arisen in this way: it was found with the low diet, in former times, that the system gave way, and the prisoner sank in health; and when it was referred to persons of distinction to recommend a dietary to meet that deficiency, they recommended this higher dietary; but as there were not sufficient scientific data existing with regard to the food question, they could not make a calculation by which to determine accurately what should be the increase. They fell into a very natural error, and have given an excess. At the present time if I were to be required to frame a new scheme of dietary with the deficient knowledge that we have (and accurate knowledge could not be obtained except by experiments in prisons), I should be obliged to err on the safe side, and give too much.

914. Do you suppose that it would be possible eventually, taking into account the differences of constitution, to frame a uniform scale of dietary for all prisons?

I cannot see the least difficulty, only that we should require a large amount of certain kinds of knowledge which are necessary. For example, the points upon which we are at present deficient in knowledge are these: we want to determine precisely the effect of mere confinement upon the system; we only know, in a general way, that it does depress the system; but it must be determined precisely. Then we want to determine precisely the effect of meat, whether

whether meat is necessary in any quantity, and in what quantity it is necessary. Then, whether fat, which is a dearer food than starch, with which it is analogous in composition, can be supplanted by starch, or in what proportion it must be given. We must also know what is the precise effect upon the system of those various punishments which are to be recommended; and having first of all decided upon those punishments of a definite kind, we must then know what would be the amount of food necessary to meet that particular case; so that we have many subjects about which we are at present ignorant, and which are absolutely necessary to be understood before we can form a new scheme of dietary, but all of which information can be obtained by proper experiments in prisons.

915. If it were put into your hands to carry out such a scheme, how would you propose to determine those points?

I should first take a basis dietary, such as is used by the agricultural population, and such as I think would be suitable for persons condemned to light labour, or not to hard labour; with that dietary I should think it necessary that they should have so much exercise, or so much labour in the open air as should induce the whole of that food to be assimilated. That is the great difficulty which must be overcome by experiment, namely, to find out what amount of labour is necessary with a given dietary to enable the whole of the food to be assimilated. For that purpose it would be necessary to take, perhaps, five prisoners of average age and power, and place them upon this dietary—to determine every day the effect upon the weight of the body, the colour of the blood, and also the effect upon the excretions—that is to say, to prove whether due assimilation occurs by determining the amount of food passing off by the fæces; that is the only scientific inquiry which is necessary. If it be shown that the whole of the fæces were so reduced in nutritive value as to be only equal to that of an ordinary individual of the community, then we should suppose that a proper proportion of the food was assimilated.

916. Would you follow out those experiments with regard to hard labour as well?

Yes. Having first of all settled the previous question (which might require a great deal of variation in regard to the elements of food), with regard to light labour, and having determined also the proportionate effect of the different kinds of hard labour upon the system, I should be able to devise experimentally a scheme of diet which would meet the case. I should take five persons upon each of the systems of hard labour, and put them upon that dietary, and determine in the same way the effect of this food upon them. In the course of twelve months I have no doubt that a sufficient number of experiments would have been made to settle the whole of these questions.

917. In order to determine any question of that sort accurately, it would be necessary to have some species of labour which would be uniform in its character in all prisons. Do you think that it is possible to devise any scale of hard labour which could be so uniform in its character?

We can do that, except with regard to those conditions which are inherent to each individual body, such, for example, as weight. If we take the treadwheel, for example, which is a very good form of punishment for that purpose, and so arrange that the prisoner can stand upon his centre of gravity, that is to say, so arrange the bar above the wheel that the centre of gravity should also be the centre of his body, and be not thrown in front of his body as it is now, and if we regulate the speed of the wheel, in that way we should determine accurately and uniformly the effect upon the system. The only difference would be caused by the weight of the individual concerned. If, say, I am 200 lbs. weight, and you put me upon the treadwheel, I have to lift three tons through one foot per minute, whilst a person who only weighs 100 lbs. may only have to lift one and half tons per minute, so that there is great variation.

918. In the strict application of the treadwheel to these questions, do I rightly understand you to state that the treadwheel, as at present constructed, allows of very great variations in the amount of labour which it imposes upon prisoners?

Yes, according to the rapidity of ascent, and according to the position in which the body is held. If the body is allowed to stand upon its centre of

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gravity, the amount of waste of the body is less than it would be if it were hanging behind its centre of gravity.

919. Then I understand you that the treadwheel is capable of considerable mechanical improvement, so that it may be made to administer a far fairer amount of hard labour than it does now?

Yes; it can be made, I believe, an uniform punishment for persons of the same weight, and also uniform with regard to ascent.

920. We have been considering the question of diet in a sanitary point of view; what do you conceive would be the injurious effect of the present high dietary in any other point of view?

I should think that the effect must be very prejudicial, in this way, that persons do not object to going to prison; there is not so much to deter them from prison, and therefore to deter them from crime, as there ought to be; I think that by a system in which the food is only just sufficient to meet the wants of the human frame, and where it is of a very simple kind, and where the system is one rather of punishment, you will deter persons from crime much more than you do, under present circumstances.

921. I understood you to state, that with increased exercise a much lower dietary might be administered with perfect safety; do you consider that in the present system, with a deficiency of exercise, and with a high dietary, there is anything injurious to health?

I think that the main difference is the loss of food; that you lose a great deal of food every day; but there is, in addition, the moral effect upon the prisoner.

922. So that there is a great waste of food which you may look upon in an economical point of view, as well as in a sanitary point of view?

Quite so.

923. When you speak of conducting experiments on prisoners, is there any power to conduct those experiments now?

The Home Secretary has the power of authorising experiments in prisons, I believe.

924. You are not aware of any power, besides that of the Home Secretary's, to conduct those experiments?

No.

925. Have the Visiting Justices power in prisons to order experiments of that nature?

It could not be done as a matter of right; they would have no power, in the strict sense of the word. Those experiments which I made at Coldbath Fields were made with the concurrence of the Visiting Justices, and without an application to the Secretary of State. I think that all those experiments such as we are speaking of, would have to be made by a prison official of competent scientific knowledge, such as an inspector of prisons should be, or by a scientific officer appointed for the purpose.

926. Earl of *Romney*.] You think that the present system does the prisoner harm, and is also a loss to society?

Quite so.

927. With regard to the dietaries, Class I. and Class II., you said that you thought they were too low; do you think that in a case of a person imprisoned for any time not exceeding seven days, would be likely to receive any harm to his constitution by being on that dietary for so short a time?

It might not be a degree of harm that you could define, but as I mentioned before, it is the repetition of these seven days, in the case of persons committed over and over again that has been proved to have a most prejudicial influence upon the system, and we can prove that for every day he is confined he is receiving injury, and that his system is not receiving so much as it is giving out.

928. Strictly speaking, when a prisoner is in prison, those in authority are bound, are they not, to give him the diet as laid down by law?

Yes.

929. With regard to the diet, you have stated that you would take as a basis the amount of food which is used by the largest number of common agricultural

agricultural labourers; do not you think that there is a great distinction between the condition of agricultural labourers and those broken down constitutions which prisoners generally have?

I do not know for a fact that the system is generally broken down in prison.

930. I mean that the men themselves when they come into prison are broken down in constitution to a great extent by their habits of life?

I believe that they have a lower grade of health, as ascertained in a general manner, than other classes of the community, but not so much so that the term "broken down" would apply to them, speaking generally.

931. They are injured by their habits of living, are they not?

Yes.

932. You stated that you thought it was not of very great importance to change the labour, and that it would be undesirable with regard to hard labour to shift the nature of the hard work, that is to say, to have the prisoners employed part of the time on the treadwheel, and part of the time at the crank, and part of the time in stone breaking; that you thought it better to keep them at one employment during the day. What is your reason for thinking that?

I think that you would get a more uniform system by that means; and the fact of monotony occurring in prison punishments, if the punishments be themselves right, and be sufficiently met by food, is an advantage in prison discipline.

933. So far as discipline is concerned, you would prefer uniformity?

Yes, I think there should be uniformity with regard to discipline.

934. But, medically speaking, you would prefer variation, would you not?

Yes, I should think so, provided that the effect of the same punishment was the same upon the system, not as is the case now, when they would put a prisoner upon the treadwheel one day, and put him to oakum picking the next day, and call them both hard labour.

935. Do you think that it is desirable for health to get all the parts of the body into action in the course of the day?

Yes.

936. With regard to the treadwheel and the crank, would not each of them bring into play one particular portion of the body and not others?

The treadwheel, I think, affects nearly all portions of the body; the prisoners hang by the hands, and the muscles at the back are strained to maintain the body in its centre of gravity, and they are using the legs at the same time.

937. Having regard to all those conditions, you think that it is desirable that they should be employed at one time?

Yes.

938. Do you think that there is anything in the treadwheel that is injurious to a man, as producing rupture, varicose veins, or anything of that sort?

Yes; but not, perhaps, more than in other systems of punishment, having the same effect upon the system. For instance, in affections of the heart, you would not put a prisoner on the treadwheel, because the action of the heart amounts to from 120 to 160 pulsations per minute on the treadwheel; neither would you put a person on the treadwheel with asthma or any affection of the chest, because the amount of respiration, instead of being 40 cubic inches each respiration, becomes 100 cubic inches; neither would you put any prisoner with any deformity upon the treadwheel, but only persons with a fair amount of health.

939. You would recommend the use of common discretion in the treatment of prisoners as well as on any other subject?

Just so.

940. Is there any difficulty in detecting heart disease?

Not if care be taken by a proper person.

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941. Do you know whether it is the duty of the surgeon of a prison to examine into those things, and see whether a prisoner is or is not fit to be put upon the wheel?

It is his duty; whether it is carried out, I do not know. There are but few prisons in the country in which there is a resident surgeon, and therefore many of those medical questions are insufficiently attended to on that very ground.

942. If a prisoner complained as he came off the wheel, would it not be the proper course to take, that the surgeon should go up to the wheel and examine him at the time that he comes off?

I do not know that that would very much affect the issue.

943. Do you know whether it would make much difference if you examine him one or two hours afterwards in his cell?

Of course the effect of the prison punishment would pass away when he is in a state of rest.

944. If it was a doubtful case, the surgeon ought to go up to the wheel and examine the prisoner, ought he not?

Yes, if it were a doubtful case, I think so.

945. It is quite easy to detect the conditions of heart disease, is it not?

Yes, generally speaking, it is so.

946. Duke of *Marlborough*.] Do you believe that it would be a case of rare occurrence that a disease of the heart should exist and not be detected by the surgeon, and that a prisoner might be put upon the treadwheel and go through his labour, and come off the treadwheel again without the heart affection being detected, so that gradually a heart affection might be developed?

I think it is very possible. I should think the prisoners are not examined as to the condition of the heart and lungs, or not examined in all cases; but I have no positive knowledge upon that point.

947. Earl of *Romney*.] Are you largely acquainted with prisons?

It has been my experience to get much into them, and to make myself acquainted with them, but I have no official position in connexion with them.

948. Are you aware that almost a constant business in prisons is hearing complaints from prisoners, making excuses, sometimes with good reason, and sometimes with bad, to get off their labour?

I should suppose that very likely.

949. It is not very likely that a man, if he had a complaint of the heart, would not cry out in sufficient time?

I think that every prisoner should have his heart and lungs examined on entering prison, and that that should be recorded on his entry into prison, before he is put to hard labour; but whether that is done as a rule I doubt very much. Disease of the heart frequently exists without the person being aware of it.

950. Duke of *Marlborough*.] Would it not be a proper precaution to take, that the surgeon should examine the prisoner after he comes off the treadwheel rather than before he goes on; and would not the action of the heart upon his coming off the wheel, supposing that the examination took place immediately, be a more sure indication of any disease than it would be before he goes on?

No; diseases of the heart are best determined when a man is in a state of quietude.

951. Earl of *Romney*.] Do you know that it is the duty of the surgeon to be at the prison every day?

I believe it is once or twice a day.

952. And to examine every prisoner when he comes in?

Yes; but whether he examines into the state of the lungs and the heart as we understand by examination is another question. What the profession understand by examination of the lungs and heart is not a mere visual examination.

953. Earl of *Ducie*.] You have stated, have you not, that a strictly regulated diet, in which there is no surplus whatever, but in which the prisoners have exactly

exactly enough to meet the waste of the body, would rather tend to deter prisoners from crime?

I should think so.

954. At the same time you state that the low diet for short sentences in Class 1 is insufficient, and may be mischievous when often repeated?

Quite so.

955. Do not you think that if a strictly regulated diet tends to deter from crime an excessively low diet, *à fortiori*, will tend in a greater degree to keep men from crime?

It is a question whether the diet should be used as an instrument of punishment. Sir James Graham in the instructions given to the Commissioners who framed this dietary, stated distinctly that it should not be made an instrument of punishment; but it is impossible in looking at this dietary to see that it is not the most powerful instrument that the justices possess, and that it is used as an instrument of punishment.

956. Short sentences are frequently given, are they not, on purpose to insure very low diet, which shall be looked upon as a punitive measure?

Then that is evidence that it is used as an instrument of punishment, contrary to Sir James Graham's instructions to the Commissioners.

957. That is the case also in the Government dietaries, is it not?

The lowest class of Government diet is quite insufficient.

958. You admitted, in answer to a question, the injurious effect of depression under certain circumstances out of doors. Are you aware that that depression to a great extent exists among prisoners?

Yes, I believe that it exists, but not to an extent to injure the health, provided that there be sufficient exertion in the open air.

959. But mental depression is not a thing of frequent occurrence to any great extent, is it?

It would not affect any system of discipline and dietary, provided other things were made suitable to the condition of the prisoner.

960. You state that there is no difficulty in framing a general dietary for prisons; would the geographical position of a prison, as to whether it stood high or low according to the conditions of the neighbouring atmosphere, affect the question in any way?

I think not. We should not be able, in framing a dietary, to come within a few grains of carbon, neither attempt it, because of the variations in the weight of the body; we should take a medium, which would be found to be a little in excess for the light ones, and a little in defect for the heavy ones.

961. It has often been urged that where the position of a prison is geographically low, a much higher scale of diet would be necessary; in your opinion, is that a fallacy?

I should think that if the position were so low as to diminish the vital powers of the system, the men must either have more exercise or more highly nitrogenised food.

962. There is great variation in the altitude of different prisons, as you are aware?

Yes; but mere altitude, I would say, does not affect the question, whether it is high, or whether it is low, but the question is, whether the prison is so low as to be in a state unfavourable to the health of persons living outside the prison; that would be sufficient evidence whether the prison were too low.

963. It has been stated that the Oxford gaol lies so low as to be in a comparatively unhealthy condition; are you aware whether such is the case?

In Oxfordshire there is some ague, which implies that it is low, but whether the human system is of less power in Oxfordshire than elsewhere we have not evidence to show.

964. Duke of *Marlborough.*] Have you examined the Oxford gaol?

No, I have not been to the Oxford gaol.

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965. Marquess of *Salisbury.*] You have stated that in your opinion no difference is caused by the altitude of a prison unless the neighbourhood is positively unhealthy, and you have referred frequently to Coldbath Fields prison; do you know anything of the Penitentiary at Millbank?

I have not made any experiments in the Penitentiary at Millbank.

966. You are not aware that there is any considerable difference of diet there?

I think that there would be no difference caused by the difference of altitude between that and Coldbath Fields.

967. You stated, did you not, that the waste of the system by treadwheel labour is double that caused by crank labour, or rather in the proportion of $1\frac{1}{2}$ to 2.

Yes, about that, according to the present system. Perhaps I should state, in reference to my experiments, from which that computation is derived, that in crank labour the prisoner is required to perform 13,500 revolutions a day, and in the treadwheel at Coldbath Fields the ascent is 1·36 miles; there must be uniformity in those conditions, or else I cannot compare them.

968. Do you conceive that labour on the treadwheel involves a necessity for a much higher diet than labour on the crank?

That would depend upon the labour exacted at each of them, because it is not the same in any two prisons.

969. Is not there the same proportion between them, namely, 25 per cent.?

One is one and a half and the other is two. But we have a certain amount of waste of body which always occurs in a state of absolute rest. I regard that as my basis line. I assume that you must always supply, even in absolute rest, a certain quantity of food to meet that waste. One and a half of that will meet the waste of the whole 24 hours at the crank, and twice that will meet the waste of the body from treadwheel labour at Coldbath Fields. The experiments on crank labour gave the following exact results:—

At Wandsworth Prison.—Total daily labour, 13,500 revolutions.

Pressure.	Revolutions per Minute.	Mean of Revolutions per Minute.	Increase over Rest during the Labour.	Mean of Increase.	Increase over Rest in the 24 Hours.	Mean of Increase.
Lbs. 7	30	37·8	2·05	2·5	1·36	1·42
	45·7		3·		1·46	
12	30	37·3	2·8	3·5	1.57	1·62
	44·7		4·2		1·67	

970. Do you make allowance in that for the number of hours of rest?

Yes. If I find that 20 ounces of bread are sufficient to maintain the body in a state of rest, then I must give one half more, or 30 ounces, for the crank, and as I have doubled the amount of waste with the treadwheel that I should have at rest, I must give 40 ounces for the treadwheel. That is my illustration.

971. You conceive that there should be a material difference between the treadwheel and the crank labour?

If those conditions are maintained. Of course it is easy to make the crank and the treadwheel precisely the same in their effect on the system, and that is what I should seek for, namely, to have an absolute uniformity in those employments.

972. Would that be possible?

Quite so. It is merely a question of the pressure you put upon the crank, and the rapidity of bodily ascent upon the treadwheel.

973. Does not the treadwheel act with greater uniformity upon the system than any other species of prison employment?

I think it does.

974. Does the crank act with equal uniformity upon the body?

It does not act much upon the lower limbs. It acts upon the arms and the back;

back; and therefore persons who are accustomed to use their arms and backs as day labourers would find the crank a much easier punishment than clerks or persons leading a sedentary life. Still, at first, I think the effect upon the system would be greater with the crank than it would be with the treadwheel.

975. You would therefore recommend labour upon the treadwheel in preference to labour upon the crank?

I should think so. I do not know that the difference is so very great.

976. Do you make any allowance for the difference in the heat of the weather?

There should be a considerable allowance made for that. According to our recent experiments, there must be more nitrogenous food given in hot weather, because the vital powers of the body are diminished in hot weather. In my experiments the effect of heat upon the body was to diminish the vital power one-third between the beginning of June and the beginning of August; that is to say, as the summer advanced the vital power progressively diminished, taking precisely the order in which the cholera increased. As the cholera increased the vital powers of the body diminished, and during that period there should be a large amount of nitrogenous food given. There should be, at the same time, a less amount of labour performed, because the muscular tissues of the body become more relaxed in summer than in winter. In cold weather it is possible to make the same amount of exertion without the same amount of exhaustion.

977. Would it be possible to make a scale of dietary which should be adapted to the different seasons of the year, or be regulated by the thermometer?

Yes, I think so. But as the temperature of the cells is kept pretty uniform throughout the year, the prisoners are not like persons exposed to the ordinary atmosphere. I think that there should be some difference made between the summer and the winter dietary, but it need not be anything very great, under the present system of prison discipline.

978. Do you allow anything in the waste of weight for perspiration?

Yes, that must be allowed for. In all cases of hard-labour punishments there is a loss of weight under any system of dietary, partly from the loss of perspiration, and partly from the loss of fat, as mentioned before.

979. Then the waste of a very fat man would be considerably greater than the waste of a spare thin man?

With an increased amount of exertion it would. I should state, with regard to weight, that under every system of prison discipline the weight diminishes to a certain point, and that diminution takes place, as I have mentioned, with regard to the fluids, and the fat. When these have been reduced to a certain point, say after the first month or two months' imprisonment, the weight of the prisoner remains nearly stationary during the whole period of imprisonment, if the amount of food supplied is sufficient.

980. Have you had any experience in the examination of military prisons?

No, I have not.

981. I think it is stated that a diminution of weight takes place later in the confinement; that is to say, after the average length of confinement in military prisons?

It may be that in that case the dietary is insufficient, and then, of course, it would do so; you would not only have a diminution in weight early, but you would have it late also. I assume the question to refer to a long duration of imprisonment, which brings the prisoner up to the high scale of dietary in county prisons, in which he would have abundant nourishment.

982. In the report on military prisons, it appears that with a diminution of weight, the health of the prisoners has greatly increased; has that been your experience?

It is quite possible, I have no doubt. If we take a familiar illustration, in a Swiss tour we may lose 10 lbs. or 14 lbs. in weight; but we improve in health, because we get rid of material which we do not want in the system, and which, in

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in the ordinary conditions of life, is in excess; but if persons are ill fed, then a diminution of weight must be injurious.

983. Is that attributable to their having labour in the open air?
Yes, to increased labour. Labour in the open air is better, as I mentioned before, than in less pure air; but the labour itself is the essential cause of the diminution in weight.

984. *Lord President.*] Are the Committee to understand you to state that it depends entirely on the state of the person whether that increase or diminution of weight is a disadvantage or an advantage?
Quite so.

985. Is that so with regard to prisoners generally?
It is in some cases, but in others it is not.

986. Would it not increase a man's weight if he were allowed to drink a large quantity of cold water?
No, that diminishes it; I may say that water taken in the morning without food diminishes the weight of the body twice as much as if it were taken with food, and the reason is that the fluid passes out of the body in much larger quantity than was admitted, and carries away with it material which is more or less valuable to the system.

987. Marquess of *Salisbury.*] It is stated in the report on military prisons for 1859 and 1860, at page 12, that "The diet generally in use in the military prisons at home has been, throughout the years 1859 and 1860, the reduced scale adopted in August 1850, viz.:—

	Ordinary.	After 56 days.
Breakfast	8 oz. of oatmeal	10 oz. oatmeal.
Dinner	9 oz. of Indian meal	12 oz. of Indian meal.
Supper	8 oz. of bread	8 oz. of bread.

with half-a-pint of milk to each meal." Do you think that that dietary is sufficient?
I should think it a very good experimental dietary, except that I should say there is more milk given than is necessary. I should think also that Indian meal could scarcely be wisely given in county prisons; it is one of the classes of food with which we are not familiar in this country, and which would therefore not digest well, and as the aim should be in all prison discipline, both in a medical and an economical point of view, to make the food digest, I should have my doubts about the propriety of giving Indian meal simply because it is a little cheaper than other farinaceous foods. I think that there should be a little more variety than is given in this dietary, because by varying the food you increase the power of assimilation. Even the best kind of food if given constantly would not assimilate after some time, whereas if given with a certain variety it would assimilate. But the principle of giving bread or some analogous matter with the gruel or soup at each meal given hot, is the idea that I should have in the formation of a fundamental dietary. I should state that with regard to the Lancashire operatives, we have had special analyses made, in order to determine the value of meat liquor and bone liquor, and taking a mixture of lean and fat meat together, the liquor from the meat is about one-fifth the value of the meat. From each 1 lb. of meat there would be 490 grains of carbon in the liquor, the meat itself containing, if it be beef, 2,400 grains of carbon. With regard to nitrogen, the liquor from 1 lb. of beef will contain 18 grains of nitrogen; the quantity of nitrogen in 1 lb. of beef itself is 175 grains; therefore, the liquor from 1 lb. of beef is about equal to one-fifth of the value of the meat in carbon, and about one-ninth of the value of the meat in nitrogen, and is therefore of considerable value. The liquor from bones contains 783 grains of carbon from each 1 lb. of bones, which therefore is equal to about one-fourth the weight of the meat; and there are 24 grains of nitrogen in 1 lb. of bones, which would be equal to about one-seventh the same weight of meat. Therefore both the meat liquor and the bone liquor are proved manifestly to have very considerable elements of nutrition.

988. Will you state what sort of bread you would recommend?

I think

I think it essential for prison diet that it should be white bread; or if not white bread, it should have the bran ground finely. My reason for this is, that I and others have shown that the bran of brown bread, as the husk of oatmeal, and the shells of peas, hastens the nutritive material through the bowels. We, therefore, have a larger waste of food if we give the bran with the bread, and the husk with the oatmeal, and the shells with the peas, than we should have without them.

989. Then, the general prejudice which prevails amongst the agricultural community, that the finest white bread is the best for them, and the most nutritive, is correct?

Certainly, it is correct. Brown bread is the rich man's and not the poor man's dietary.

990. Are you able to state what are the proportion of sick in a prison?

No; I have no certain knowledge of that.

991. Are you able to state what the proportion of sickness is in the population generally?

No, we have no returns of that; we have mortality returns, but not sickness returns.

992. You were asked, with regard to depression of mind, whether it did not tend very largely to the increase of lunacy and suicide in different prisons; are you aware what proportion lunatics, and persons of that description, generally bear to the population?

No, I am not aware.

993. Are there returns to that effect?

I believe there are.

994. Are you able to state the proportion with reference to suicides?

No.

995. If you will have the goodness to look at the return of judicial statistics for the year 1861, at page 31, you will observe that 112 were removed from local prisons to lunatic asylums, and six committed suicide?

I should think that the proportion of prisoners who are lunatics, and also of those that commit suicide, is very large, in proportion to the total number of prisoners; the object of the scheme which I have been mentioning would be to take away that depression altogether by labour and by exercise, thereby preventing the depression and removing the conditions that would lead to lunacy and suicide.

996. I infer from your general evidence, that you do not think employment in trades in prison a beneficial occupation, as compared with what you stated with regard to hard labour generally?

The exertion itself would have the effect upon the system of which I speak, inasmuch as in exertion men respire very much more than under other conditions; and if the air be pure it is manifest that the effect upon the system of pure air would be much better than if the air be less pure, but you scarcely can say that the air in prisons is impure except in a modified sense; I have no doubt that labour in pure air is very much more valuable than in less pure air, but I do not think that the air is ever so impure in prisons as to render the labour injurious.

997. You think that it is more desirable to employ prisoners in the open air than in close confinement?

Yes.

998. And, consequently, as trades cannot be carried on in the open air, you do not think that a most advantageous mode of applying labour in prisons?

I do not know that there would be any difficulty in so arranging a current of air through the large rooms in which they work, at oakum picking for example, that you would not assimilate the conditions of those rooms very much to those of the open air. I think the aim should be to assimilate the conditions of the trades which they carry on in manufactories to the conditions of the open air, which may be done if the rooms are lofty enough, and you have a sufficient current of air through them. I think that that can never be carried out properly in cells in prisons where crank labour is imposed, which is labour that

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requires a large amount of respiration, and therefore tends to vitiate the air very much. At the New Bailey, Salford, for example, where the labour is carried on in separate cells, I think that there could be no system adopted which would remove the impurity produced by respiration, which would therefore be increased by exertion. I think, therefore, that severe labour should not be carried on in separate cells.

999. Lord *Wodehouse.*] Do you think that cocoa is a valuable article of food for prisoners?

Not for prisoners. Cocoa must be regarded in two aspects. It contains one half of its weight of fat, and as fat is a necessary element of food, if we regard it as so much of that element of food, it is therefore so far valuable; but that which makes cocoa valued particularly, is the peculiar principle it contains, which is analogous to tea and coffee; tea, coffee, and cocoa have an analogous action in increasing the assimilation of food by the body. That is the result of my experiments. If therefore cocoa could be afforded, as it tends to increase assimilation, it would be a right food to give to prisoners; but since it is a luxury, and you can supply the stimulation by labour, it appears to me to be a food which should not be given in prisons.

1000. *Chairman.*] The real object which you have in view is to procure what you technically term the assimilation of food, is it not?

Yes.

1001. And that can be effected by having a supply of fresh air on the one hand, and a certain amount of active exercise on the other?

Yes.

1002. And consequently those prison employments which admit of active exercise in the open air or fresh air, are in your opinion the best for the prisoners?

Yes.

1003. You have been asked whether stone breaking, to which you gave your approval as a form of prison employment, would not interfere with the labour of honest men out of prison; would not the employment of prisoners upon any trade occupation, either at mat making or at weaving, or at any other employment you can name, equally interfere with honest trade?

I should think so.

1004. Therefore the objection which is urged against stone breaking would equally be against all trade occupations, would it not?

I should think so.

1005. Speaking generally, you contend that you could obtain very nearly an equivalent for meat by the use of milk?

Yes.

1006. And the amount of nitrogen contained in milk corresponds pretty nearly with the amount of nitrogen contained in meat?

Each ounce of meat contains 10 grains of nitrogen. In the prisons in London, they give six ounces of cooked meat without bone, which would be equal to about 7 ½ to 8 ounces of uncooked meat; therefore in the ration which they give of meat that would amount to 80 grains of nitrogen. Now a pint of milk contains 43 grains of nitrogen; if, therefore, we supplant the meat by milk, still supposing the whole quantity of meat to be necessary, we must give them nearly two pints of milk for every ration of meat which they now have.

1007. Would you be good enough to give the Committee, in round figures, an estimate of the amount of carbon and of nitrogen which ought to be taken in daily?

Perhaps if I gave that which I have given for the Lancashire operatives, it would be the best information that I could give, as that is the only one that I have thought over with sufficient care; namely, 30,100 grains weekly of carbon, and 1,400 grains weekly of nitrogen; that would be 200 grains of nitrogen daily, and 4,300 grains of carbon daily; and these facts are derived from this method of calculation. From various experiments which I have carried on through the whole period of a day, upon a number of scientific gentlemen

gentlemen chiefly, we found the amount of carbon which is evolved from a body in a condition of entire rest, then with a certain amount of exertion (always calculated as that of the body in a standing posture and walking), and then, with a certain further amount of exertion, corresponding with the increased quantity caused by those modes of exertion, I take the medium amount of carbon evolved, with a medium amount of exertion, added to the amount of carbon passing off unused by the bowels, to give me the quantity that I require for the Lancashire operatives.

1008. Assuming these different constituents as the basis of the prison dietary, namely, bread, rice, oatmeal, potatoes, or some other vegetable of that sort, milk, and either meat liquor, or of fat which you spoke of before, would these elements, in your opinion, by combination, and by re-combination in different proportions, furnish you with a sufficient diet to maintain the health of any prisoner at the standard point?

I should use them for experimental dietaries, and I should, in my experiments, assume that they would be sufficient.

1009. In the military dietary it is provided that the prisoners shall have 10 ounces of meat on one day in the week; is that, in your opinion, a satisfactory arrangement?

It appears to me to be the most wasteful and unscientific procedure imaginable; because the amount of food that can be assimilated in a given number of hours cannot be indefinitely increased. There is no reason to believe that 10 ounces of meat could, if necessary, be digested and assimilated at one time; and a portion of it being given on this particular day must be wasted, and, as I think, a very large portion. And, since you cannot carry on the nutriment that you receive one day to the account of the next day, or only a very small portion of it, whatever you have given in excess to day will not compensate for a deficiency to-morrow.

1010. Therefore, a large portion of those 10 ounces of meat run absolutely to waste?

I have no doubt of it.

1011. You stated, did you not, that hot food was, on the whole, a desirable element of prison diet?

I think it is quite essential.

1012. On what ground?

Chiefly on account of its acting as a vital stimulant; it is a cheap way of supplying stimulus to the body. We find, medically speaking, that in cases of indigestion, and defective assimilation, if you give the food hot, you increase the power of assimilation; and the same thing, no doubt, occurs in prisons where there is so great a liability to defect of assimilation.

1013. Therefore, the Committee are to understand, that by the combination of all these more simple elements, by the introduction of a certain amount of labour, where labour does not exist, and by the introduction of hot food, in order to facilitate digestion; by these combinations, and re-combinations, you may often find an adequate substitute for meat itself?

That is what I should look for experimentally.

1014. I think you stated just now that in your opinion the treadwheel was the best punishment?

If you must have a severe punishment, the treadwheel, I have very little doubt, is the best of any at present devised. The shot drill is a particularly good punishment, but it has never been carried on through the whole day in county prisons. But if you want a punishment not so severe as the treadwheel labour, then I think stone breaking is most useful; but I consider that the treadwheel, properly regulated, not employed as it is now, without regulation, and where every governor does as he pleases, but properly regulated, is the best of all severe punishments.

1015. At the same time you consider that the different treadwheels which are now in use admit of very large mechanical improvement?

They simply want regulation. With regard to Canterbury gaol, I may mention that, being a small prison, they have not a sufficient number of pri-

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soners, generally speaking, to occupy the whole wheel; and as the whole wheel moves round by the weight of the prisoners, it will move more or less rapidly, according to the weight of the prisoners. When I worked at that wheel with some prisoners, a variation occurred in the rapidity from 32 revolutions per minute up to 48 revolutions per minute. In proportion to the number of revolutions so is the rate of ascent. If there had been a governor to that wheel with a sufficient weight of prisoners to turn the wheel, the ascent might have been made absolutely uniform.

1016. Of course, under such circumstances, the treadwheel produces very different effects upon the human constitution and system generally.
Very different.

1017. Do you know, from your own inquiries, and your own study of the subject, whether the treadwheel itself is a very different engine in point of construction in different gaols?
It is the same in construction.

1018. Are the steps of the same height?
As far as I know they are of the same height, but, of course, if the steps vary in height whilst the rapidity is uniform, you will still have a difference in the total ascent.

1019. Are you of opinion that it would be very desirable to have a complete uniformity in the action of the treadwheel throughout the country?
Yes.

1020. Are you of opinion that that uniformity could easily be secured?
Without the least difficulty.

1021. Is there any mechanical objection to it?
There is not the least difficulty mechanically, I believe. The first question would be to settle the total ascent which should be allowed, because there is a limit to the amount of exertion which the body can make in a given time. On the treadwheel at Coldbath Fields the amount of labour exacted is equal to 5½ times that of rest, and the total limit that the human system can bear, as proved by my experiments, is 7. Therefore, there is a limit which you must not pass. If the steps now per minute are 54, which is about the average at Coldbath Fields prison, it would be necessary to limit the number to that or some other number; but having determined the total ascent to be made in a given time, and therefore in a day, you have to regulate the whole of the machinery by that.

1022. When therefore the Act of Parliament takes time as the measure by which the punishment on the treadwheel is to be graduated, you are of opinion that that is an incorrect gauge to apply?
I believe there is another limitation, namely, that the height of the total ascent shall not be more, I think, than a mile and a third. There is a limitation with regard to height.

1023. In reducing it to a practical rule, would you apply a limitation in the shape of ascent?
Yes, the total ascent of a day; but I think that there should be such an amount of rapidity of revolution each minute as to make it a punishment; because if you allow the wheel to go round slowly, it becomes a pleasure and not a punishment. There should be a certain limit as to the amount of ascent and rapidity of ascent, and there should also be a limit as to the number of minutes of work at one time, followed by a certain interval of rest.

1024. Are you not aware that the law prescribes that the ascent shall not exceed 12,000 feet, which of course is more than a mile and a third?
I had forgotten that.

1025. I presume that what you have said with regard to the treadwheel, would apply in some respects to the crank, namely, that the pressure on the crank is in many gaols very unequal and very different?
Exceedingly different. In the better kinds of cranks, as at Wandsworth (Appold's patent being used there), the pressure put upon the axis which is to be turned by the handle, is graduated by defined weights. The amount of pressure

pressure to be put upon it is determined by the surgeon, there being, however, a normal quantity, but any reduction is determined by the surgeon. In the old form of cranks, as at the New Bailey at Salford, the pressure is regulated simply by turning a kind of screw; the gaoler gives a turn to the screw, and he calls it what he pleases; 7 lbs. or 10 lbs. as the case may be, but the effect is extremely different; the effect of the nominal 7 lbs. crank at the New Bailey at Salford, in comparison with the effect of the Wandsworth crank of 7 lbs., is as 1·6 to 1; and the effect of the so called 9 lbs. crank at the New Bailey, as compared to the 12 lbs. crank at Wandsworth, is as 1½ to 1. Therefore there is very great difference with regard to the effect of the nominal value, and since the nominal value is determined by the simple turn of a screw, which can never be graduated nicely, it is quite clear that the pressure at the New Bailey must vary with each prisoner every day.

1026. Does Appold's patent admit of variation by any warder that may be passing?

No, only by taking off or adding weights.

1027. Therefore practically it is at the discretion of the governor, and of the governor alone?

Of the governor and the surgeon. I think that no cranks should be allowed which have not a uniform system with regard to the graduation of weight. At present I am not quite clear that the mode of determining the exact pressure is the correct mode of determining it. A weight is put at the end of the handle, and whatever will draw the handle down to the horizontal position, is supposed to measure the pressure put upon the crank; but it does not in the least follow that that will accurately determine the amount of pressure. The amount of pressure of the crank will depend very much upon the degree of lubrication of its axis. In turning round the axis, if it be dry or well lubricated, the ease or difficulty will be very different indeed. If this axis be quite clylindrical in form, and if, on the other hand, it be out of repair, so that it moves with a jerky motion, the effect will be very different. The crank should be constructed with a certain pressure, produced only by weights, and then it should be kept always in one condition with regard to its action.

1028. You would, of course, give the surgeon and the governor, either conjointly or separately, the power of moving those weights, and graduating the pressure to the strength of the individual prisoner?

I think the basis or standard pressure should be that which a moderately constructed man can pretty well perform; then, if the prisoner be out of health, the surgeon should have the power of diminishing it; but I would not have the basis so high that he should find it necessary to graduate it according to the strength of his prisoner, setting apart the question of health.

1029. You think that the governor and the surgeon should have the power of diminishing the number of revolutions which the government should require in a day rather than that the pressure itself should be reduced?

Either the one or the other. I do not think it matters whether it is the pressure or the number of revolutions, but the standard quantityof labour to be performed by the prisoner should be set at that which a man of moderate strength can perform; and any diminution below that should be on account of his health, and not on account of his strength; if he becomes out of health he should have a diminution; but if it be a mere question of one man being stronger than another, do not let the standard be so high that a man of moderate strength cannot perform the task. It would be better that the total number of revolutions to be made daily should be uniform, and that the pressure should vary under the direction of the surgeon.

1030. Practically, you see no difficulty in securing uniformity, both at the treadwheel and the crank?

I believe that there is no difficulty in that respect.

1031. Earl of *Romney*.] You stated, did you not, that the human constitution diminished in strength in the summer?

Yes, it is less powerful in the summer.

1032. Do you know, with regard to the treadwheel, that the quantity of labour is reduced in the summer as compared with the winter?

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It is in some gaols; in the New Baily at Salford it is reduced from 56 in the winter to 52 in the summer; but that is not uniform; there is no system in the gaols in general.

1033. You know it is done?
Yes.

1034. And therefore it could be done universally?
Yes.

1035. Duke of *Marlborough.*] You consider that the treadwheel is the best system of hard labour?
Yes; that and stone-breaking I should consider the two best.

1036. What description of exercise do you recommend?
I think the ordinary swift running and walking exercise, which is now adopted in gaols, is the best that can be devised as an exercise.

1037. Walking around the prison yard?
Yes.

1038. Do you consider that that is sufficient in its character?
The character of it is sufficient; it is a question of quantity, how much might be necessary; but if there be a day's labour exacted, a prisoner would not require much more exercise than his day's labour.

1039. Do you consider that the treadwheel should be as much as possible exposed to the open air?
I think it should be under shelter, inasmuch as the temperature of the skin is much increased during the action of the treadwheel. When the work of the treadwheel is over, the prisoner sits quietly for a quarter of an hour, and if a draught of cold air fall upon him, he is, of course, apt to take cold; it therefore should be under shelter, at the same time that it is in the open air.

1040. Marquess of *Salisbury.*] You have attended a good deal to Coldbath Fields Prison; did I not understand you to say that the rooms in which the trades are carried on should be as well ventilated as the open air?
Yes, if possible.

1041. Is that the case at Coldbath Fields Prison?
At Coldbath Fields Prison they have not manufactures; there the system is carried on by treadwheel labour and oakum picking.

1042. Is it not the case on the female side of the prison?
I had an impression that there were no females there.

1043. It has been stated that Coldbath Fields Prison was in a state of great want of ventilation, in consequence of there not being sufficient cells; did you find that to be the case when you were there, in the daily rooms where you were?
I found no deficiency in any room that I went into; but as the work is not performed in the different cells, there would be no reason why there should be any vitiation of the air to any great extent. Where oakum picking is carried on, I dare say there is a deficiency of air, because 400 persons are put into a small space, and sit very closely together, and you can never, therefore, have sufficient ventilation to carry away the products of respiration. With regard to Wakefield, that is a gaol in which the system of manufacture is exclusively adopted, all other kinds of punishment being discontinued. There the difficulty exists of keeping up a sufficient ventilation, both in the cells and in the larger rooms. The work is done there chiefly or entirely in the cells, and I have the testimony of the surgeon for saying that the ventilation is necessarily defective.

1044. What do you consider the most advantageous temperature for a cell?
The temperature should never exceed 60; the limits should be about 48 and 58.

1045. Is that the case in Wakefield prison?
Yes, I think it is. There is a variation throughout the year; but I think it is never below, or never above those limits.

1046. Are

1046. Are those cells warmed?
They are not artificially warmed.

1047. Do you recommend the use of water closets in cells?
I should not if it could be avoided; it is quite contrary to health; it is a system which ought not to be adopted.

1048. Do you recommend the usual system of pails put out in the morning?
That is better, I have no doubt, than the other, or some system should be adopted by which the water closet should be separated from the cells.

1049. Do you find any bad effects from water closets in cells?
I should think that it would be injurious.

1050. Lord *Wodehouse.*] Do you think that the use of water closets could be supplied by pails and other utensils used in cells, and afterwards emptied, or are you contemplating a separate water closet system altogether?
The best system is that of the water closets being placed quite separate from the cells, as in Coldbath Fields Prison; but if you are to have the separate system followed out entirely, you must have some system of leaving them in the cells, which must be injurious.

1051. Which would you prefer with the separate system?
If you must maintain the separate system, the water closet system is much better than having pails.

1052. *Chairman.*] Are you aware that in almost all gaols it is the practice for the surgeon to allow extra diet to prisoners without actually putting them upon the sick list?
Yes.

1053. Is that in your opinion a practice which is indispensable to the presen system of prison discipline?
I think there must be power given to the surgeon to increase every dietary if he should find the state of the prisoner's health diminishing; but at present there is no very general system whereby the state of health is estimated; it is rather a matter of opinion on the part of the surgeon than any definite statement that he can make as to weight and colour and firmness of muscles, and so on.

1054. Is it not probable that one surgeon might form one estimate of his duty with respect to the health of a prisoner, and another another?
Yes, under the present system it is.

1055. Is it not probable that one surgeon may consider it his duty to discharge a prisoner from gaol in a condition of perfect bodily health, and another would consider it merely necessary to let him go out in the same average state of health in which he entered?
No doubt there would be that variation of opinion.

1056. Would not that very largely determine the issue of extra diet?
No doubt it would.

1057. Are you aware whether there is a very large discrepancy in the amount of extra diet issued in different prisons?
I believe there is great discrepancy.

1058. Your general experience of the prison system in England would lead you to this conclusion, that there is a very large discrepancy in the amount of diet and in the nature of that diet, in the amount of punishment and in the nature of that punishment, and in the extra diets as they are issued by different surgeons?
Yes. I know of no gaol in which the system of determining the amount of health of the prisoner is good, except in Wakefield prison. On the convict side of that prison Mr. Milner, who is a man of great intelligence, has adopted a very definite system of registering the degree of health. The weight is taken as one indication, both at the commencement of the imprisonment, and when it has become tolerably stationary. Then the colour of the gums and lips, as indicating the colour of the blood, is observed, and the degree of firmness of the muscles; I think he has five elements which he writes down, with certain numbers

bers to them, to indicate a larger or a smaller quantity of health. If that system were adopted throughout the country, I think we should have much more uniformity than we have under the present system.

1059. Earl of *Malmesbury*.] Supposing a system which, as far as we can ascertain, is superior to the present, and, as far as we can ascertain, is as perfect as possible to be discovered by scientific persons, like yourself, do not you think it would be very advantageous that the Secretary of State should have power to enforce that system universally and upon the same footing?

Yes, certainly: I think it is a fundamental question that the matter should be regulated absolutely and enforced by one common authority.

1060. Earl *Cathcart*.] If you have one particular scale of diet, must it not be the same for a giant as for a dwarf, that is to say, one man might be starved while another man might be fattened by the same diet?

But you would not have so great an extreme as is indicated by your Lordship's question; the dietary must be made so as to allow a little licence in either direction.

1061. I mean that under the present system it very often happens that one man comparatively feasts while another man may starve?

Perhaps it may be so; I should take the average at about 150 pounds, which is the average weight of the men of our working classes, and I should apportion the dietary to that.

1062. Does not diarrhœa prevail in gaols very much?

Yes, especially at certain seasons of the year; and it occurs at a time of year when a deficiency of assimilation exists, that is to say, in the hot season, when the food is not properly assimilated, and therefore diarrhœa may be an advantageous condition, rather than one of disease.

1063. Do you think that it is generally considered by gaol surgeons that the prevalence of diarrhœa is a healthy sign?

It depends very much upon the talent and intelligence of the surgeon. Some surgeons who act by routine would stop it; others would inquire what was the cause of the diarrhœa, and whether it was not a beneficial state of the system.

1064. Might not diarrhœa, if prolonged, very soon carry a man off altogether?

Yes; but that is a condition of disease.

1065. Do you believe that potatoes at a certain time of the year produce diarrhœa?

A man may have deficiency of food with a deficiency of starch in the potatoes, which would produce a deficiency of vital power, but the condition of the potato itself would not be the cause it.

1066. You stated, did you not, that as the diet in various prisons was very different, the diet must depend upon the experience and experiments of the surgeons to the gaols?

That is not the idea that I had in view in establishing a diet; it should be established upon purely scientific grounds, such as would be satisfactory to any scientific man, and having ascertained those grounds, and the dietary being adopted, the surgeon should have the power to increase it if he finds the health of a prisoner failing, but he should have to do with exceptions only.

1067. *Chairman*.] Looking, however, to the inequalities which exist among all men, the inequalities of age and of stature, and of physical strength, any system which you devise must be more or less a broad, and a general one, and must be fitted to apply to the average of men rather than to an exceptional deviation on the side of strength, or on the side of weakness, must it not?

Certainly; but the limits of the extremes are small, and therefore there would be no difficulty in that question if there be a surgeon, or some proper authority, to vary it with regard to individual persons.

1068. You stated, in answer to a question put by the noble Duke some time ago, that there were still several points which are undetermined, and which it would

would be necessary, before any exact diet could be laid down, to settle scientifically.

Yes, quite so.

1069. You suggested also that the best mode of ascertaining those points would be by means of a commission?

A prison official, if he were a competent person, would be the best, because he would have his whole time to devote to the question, and it would seem to me to be essential that whoever carries it out, should be able to devote the whole of his time and thought to the subject for the time.

1070. Can you state what would be the time that such commission would be required, supposing it to be issued for the solution of those undecided points?

Not less than 12 months; to what extent more, would depend upon the correctness, as they would consider it, of the results that were obtained, for we find in all experimental work that a great deal has to be thrown away.

1071. Are the Committee to understand that the scale of dietary now laid down in military prisons would on the whole be applicable as a provisional and temporary dietary, until the large questions on which the main question hangs are scientifically decided?

I could only mention that as an experimental dietary for the cases of prisoners not condemned to hard labour. I think that in that sense it would be very valuable.

1072. Are you not aware that the majority of sentences now involve hard labour?

I do not know that positively, but I dare say it is so. Under the plan which I have mentioned, in which labour would be enforced under every sentence, the frequency of the hard labour sentences might probably be lessened.

1073. Could you furnish the Committee with a provisional statement of the dietary which might be laid down in the case of ordinary hard labour in prisons?

I could do so, but I doubt whether it would be satisfactory. I could give my grounds for doing it, but till those other questions are settled it would rest as a mere matter of opinion. Until those matters obtain a final settlement we could never settle any dietary, it would rest upon opinion, which would change, and would not be satisfactory.

1074. At the same time a settlement might be deferred for one, two, or even three years?

For one or two years. One year, I should think, would be sufficient; but the subject is one of the greatest possible importance.

1075. Are you not of opinion that the dietary, as laid down in military prisons, with that one single exception to which you alluded, of 10 ounces of meat on one day in the week, is, for a provisional dietary, far better than the average of the dietaries now in use in prisons?

Yes. It would do away with dietaries that are manifestly insufficient, for I think it a sufficient dietary; but whether it would be sufficient for all conditions of prison discipline I could not venture to give an opinion upon.

1076. Earl *Cathcart.*] You are aware that military prisoners are men in the prime of life?

I suppose so.

1077. And, therefore, the dietary that would suit them might not suit persons from the purlieus of a town?

Those are questions of opinion, and, as opinion, it would, of course, require to be settled by experimental proof. I think the evil connected with the late alteration of dietary was that it was based upon opinion and upon authority, and not upon absolutely proved data.

1078. *Chairman.*] Are there any immediate changes which you would suggest in the dietary, with the view of putting it upon rather a better footing than it stands upon now?

I think the great question is to have no dietary of less value than our military dietary. If the lower scale of Government dietary were taken away, and they had

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had equivalent scales in all the county prisons, that would be a great gain; for at the present time the low scale must be very injurious to the health of the prisoners. With regard to the excess, that is chiefly a question of economy, but I think it probable that the highest class in the Government dietary might be also dispensed with.

1079. Are you acquainted with any workhouse dietaries?

Not very much; I have not worked at them, and do not know them sufficiently to give any evidence upon them unless they were put before me.

1080. Lord *Wodehouse.*] Do you not think that for such short periods as seven days' imprisonment a very low dietary may be enforced without injury to health?

That is a matter of opinion; I do not think the public would be justified in diminishing the health of a prisoner, and I do not think they would want to increase it very much; he should be allowed to go away in the condition that he came in; but to do that which you know must every day diminish his health is a moral question which, I think, is of great importance to consider.

1081. Are you aware of any cases where, from the lowness of the prison dietary, the health of a prisoner confined for a short time has been injured?

Mr. Milner, of Wakefield prison, has informed me of cases of persons who have come back to him in the course of 12 months again and again, and he has been able to trace consumption to their low dietary.

1082. *Chairman.*] Were the Committee to understand from an answer which you gave to a noble Lord, that you could take the Secretary of State's dietary as it stands at present, and place in parallel columns the alterations which you propose to make?

No, I did not say so; I could take the Government dietary, say, or the other dietaries in the return, and put in parallel columns the amount of carbon and nitrogen which they contain, which would show to the Committee the immense diversity existing, but I could not take upon myself to advise upon a scale of dietary as a permanent thing; we have not sufficient knowledge upon that point at present.

1083. Would you have the goodness to put such a return in?

Yes, I will furnish it to the Committee.

1084. Duke of *Marlborough.*] Would the scale of dietary, which in any case you will be prepared to recommend, differ very materially from what you have recommended for the Lancashire operatives?

I think not; the experimental dietary would be probably a little lower than that. Then with regard to the amount which would be required to meet the waste from hard labour, it must of course be much more than that, but to what extent I could not say.

1085. *Chairman.*] Would there not be this difference between a dietary constructed for the use of prisoners, and the dietary constructed for the Lancashire operatives, that in the cases of prisoners, there would not be the same necessity for consulting the palate by introducing a great variety of food?

No, but I would not have a variety with the idea of consulting the palate. I would merely have such a variety as would enable the food to digest.

1086. That variety would lie within very narrow limits, would it not?

Yes; it might not be of a kind to affect the palate at all. For example, with regard to soup, nothing would be more injudicious than to give soup of the same kind every day without meat. If on one day pea-soup were given, and on another day soup of a different flavour, and yet of the same nutritive value, the soup would digest.

1087. Duke of *Marlborough.*] Is the basis on which you have drawn the diet for the Lancashire operatives simply that which would be sufficient to retain soul and body together with the proper amount of health?

Yes, but rather more than the idea that those terms would imply; I think persons would be able to live and maintain their health well upon that diet.

1088. Earl *Cathcart.*] In drawing a comparison between the dietary of a Lancashire operative and a prisoner, do you bear in mind the fact, that the Lancashire operative is at large, and may beg or buy, or in some other way may get bread, or other food, easily, whereas the prisoner can get no other food than that which is supplied him?

Yes; but if the dietary give sufficient food on the one hand, and on the other, with regard to the Lancashire operatives, it is recollected that they have not much opportunity of getting food, except in a certain definite form now, I think that that objection will not have much weight.

1089. *Chairman.*] You suggested, did you not, that liquor from bones should be used very often in preference to the liquor from meat?

In framing a fundamental dietary, I think that at two meals in the day, dinner, and perhaps supper, there should be either meat liquor or bone liquor added to the material, the soup or gruel, as it is called, and in that way you could give more fat than is contained in milk, and at much less cost.

1090. What is the proportion of bone to meat?

It varies according to the part of the animal; in the forequarter of beef, except in the shins and legs, the proportion is about 10 per cent.; in shins and legs, the proportion is 30 to 50 per cent.

1091. Marquess of *Salisbury.*] A great deal of that is now reduced to gelatine, is it not?

Yes, I suppose it is; still I think they make gelatine, latterly, of hoofs, and the clippings of skins, rather than of bones.

1092. *Chairman.*] Are there any other facts which you would desire to put in evidence?

Upon the question of the inequalities of prison discipline, when the matter was under my special observation in 1858, I wrote to upwards of 60 governors of gaols, to beg of them to give me their rota or system of punishment, having reference to the inequalities of punishment, and I received from them 60 replies, and the result is this: that it is not merely in different gaols that there are different instruments of punishment, but in the same gaol the kind of punishment is varied from day to day, and at different parts of the day, and that the different kinds of punishment have a totally different effect upon the body, and without any uniform action whatever. I think those letters, or an analysis of them, would form a very valuable document.

1093. Will you have the kindness to put those letters in?

Yes, I will do so.

1094. Are they tabulated?

They are not tabulated at present, but I could do that at some future time.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, 1 o'clock.

Die Jovis, 12° *Martii* 1863.

LORDS PRESENT:

Duke of Richmond.	Earl Cathcart.
Duke of Marlborough.	Earl of Ducie.
Marquess of Salisbury.	Viscount Eversley.
Lord Steward.	Lord Wodehouse.
Earl of Carnarvon.	Lord Lyveden.
Earl of Romney.	

THE EARL OF CARNARVON, in the Chair.

MAJOR GENERAL SIR JOSHUA JEBB, K.C.B., is called in, and examined as follows:

1095. *Chairman.*] WILL you be good enough to state to the Committee what office you hold?

In connexion with county and borough prisons, I hold the office of Surveyor General of Prisons, the duties of which include all questions connected with the construction of prisons.

1096. Since when have you held that office?

I have held the office of Surveyor General during the last 18 years, but have been engaged in various duties under the Secretary of State for the Home Department for the last 25 years.

1097. I think a great number of prisons have been built under your direction?

Yes, a large number of convict prisons, and all plans of county prisons have been referred to me before being sanctioned by the Secretary of State.

1098. Could you state to the Committee briefly, what those have been?

I should think that there must be between 1,200 and 1,400 cells erected now on the plan of Pentonville, in different parts of the country.

1099. That is to say, upon the separate system?

Yes.

1100. You are aware, generally, are you not, of the condition of the gaols at this moment in England?

Yes; there is a great approximation to uniformity now which did not exist formerly. Perhaps I may be permitted to mention that the question of separate confinement having been forcibly brought before the Government in 1837 by Messrs. Crauford and Russell, the Inspectors of Prisons, it was determined in 1840, to build a model prison at Pentonville. It was first occupied in the year 1842, and a very influential board of commissioners were appointed for working out the experiment of separate confinement which was to be carried out in that prison; among whom were the late Lord Wharncliffe, the late Duke of Richmond, Lord Chichester, Lord John Russell, the present Lord Eversley, and others, and I was one of the members.

1101. Could you state very briefly to the Committee what the principles of construction are upon which you have proceeded in all those prisons which have been built under your direction, or by your advice?

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They are precisely those of Pentonville Prison, the general principle is an open corridor, having the cells ranged upon galleries, by which means the most perfect inspection of the interior of the prison is secured, and all the other requisites are provided for in construction for the inforcement of the discipline. Under the 2d & 3d Victoria, chapter 56, which is the only Act which authorises separate confinement being carried out for unlimited periods, it is provided that the cells shall be such a size and lighted and warmed, and ventilated in such a manner as shall be required by a due regard to health; and that those particulars shall be certified to the Secretary of State before the cells can be legally occupied.

1102. Admitting, of course, that there are differences of principle in the management of Pentonville and the management of a county prison, are you still of opinion that the pattern upon which Pentonville prison is constructed is the proper pattern to adopt in county gaols generally?

Yes; I think the principle of construction cannot be improved; but some years ago I suggested that the cells at Pentonville which were designed for very long periods, and were 13 feet long by seven feet broad, and fitted up with water-closets and other conveniences, were not necessary for the shorter periods which were passed in county gaols; and though there was some opposition to it, I induced the Secretary of State to authorise plans upon my recommendation being constructed with cells, I think, nine feet long by six feet wide. That was with a view to diminish the expense to the counties; but my general recommendation was, that there should be a certain number of larger cells in each county prison for carrying out long sentences, and that the average period of confinement should be looked to in determining the relative proportion of the larger and smaller cells, perhaps three-fourths of the smaller cells to one-fourth of the larger cells would be sufficient.

1103. But, with regard to any class of prisoners whether for long sentences or for short sentences, you would not depart from the separate system as such?

No; the separate system I consider essential as the basis of discipline.

1104. That is to say, that each prisoner should have one separate cell in which he should be confined both by day and by night except at such hours when he goes out for prison punishment or prison exercise?

Yes; but the administration of discipline would require perhaps to be somewhat changed, so as to allow of sufficient separation by night and during other periods, and still have the means of taking the prisoners out of their cells for labour; because if strict separation in a cell is carried out, the means of enforcing hard labour is much restricted, and you have no means of carrying out the sentence excepting by a crank.

1105. With regard to one detail to which you just now alluded, and on which other witnesses have previously spoken, do you believe that water-closets are necessary in the cells?

No; but that depends again upon the administration of discipline. In prisons where we have not the means of carrying out a strict separation by day and night, as in the associated prisons for public labour, and in military prisons, opportunity is afforded to the men to go to the water-closets when at exercise in the yards, but that involves more or less of regulated association.

1106. Have you ever contemplated any scheme by which you could dispense with the use of water closets in separate cells?

There is no doubt that a water-closet is the greatest convenience you can have of the kind, but it is rather an expensive one.

1107. Is it not sometimes prejudicial to health?

I think not; if the water-closet is properly constructed, and the cell is properly ventilated, no inconvenience is experienced; we have now had the experience of 20 years at Pentonville without the slightest inconvenience having been experienced in that respect.

1108. Have you not been aware sometimes of any disagreeable and almost prejudicial smells which have arisen from that cause?

No; that must arise from a faultiness in the construction of the water-closet, or the ventilation of the cell.

1109. Do

1109. Do you approve of the system of ventilation by means of windows?

No, I think that you may secure sufficient ventilation without them; it is always well to provide a direct communication with the exterior, but not through the window; I think it is better to have a flue which is worked in the outer wall, and which will admit of a prisoner opening or shutting the ventilator.

1110. Do you see any objection as regards the discipline of the prison in allowing the prisoner himself to open and to close the windows?

No, excepting that if you make use of the window, the prisoners might communicate from cell to cell by means of the open window, and that leads me to prefer a flue in the outer wall.

1111. Would not that communication be a serious inconvenience?

Yes, it would.

1112. And therefore you would come to the opinion that it would be desirable not to give the prisoners the facility of opening those windows?

Certainly not; but I think there is an advantage in having a communication with the outer air, and I should always recommend a flue in the external wall, as well as an opening into the corridor; these arrangements will be seen in my reports for 1844 and 1847.

1113. Are you of opinion that looking to economy, a gaol built upon the pattern of Pentonville, or upon the separate system, is on the whole the cheapest form of construction that could be adopted?

I think it is quite as cheap as any that ever preceded it, in fact it is cheaper.

1114. Are there any gaols at this moment in England where the solitary system is enforced as distinguished from the separate system?

No, solitary confinement cannot be legally enforced for more than 28 days at a time, nor for more than three periods of 28 days in 12 months.

1115. There are still considerable discrepancies, are there not, both in the construction and in the discipline of different prisons in England?

I have stated that there is a great approximation to uniformity in the construction of prisons, but there is undoubtedly a great diversity of discipline in the administration, and it is a great evil.

1116. Could you state briefly to the Committee what, in your opinion, are the different divisions into which those discrepancies would fall?

There are only three kinds of discipline that have ever been fairly brought before the public. One is based upon classification of the prisoners; another is called the silent system, where classification is not so necessary; and the other is the strict separation of prisoners. All these questions have been fully considered by Committees; there was especially a strong Committee of the House of Commons in 1850, which gave a great deal of attention to the subject of prison discipline, and their resolutions bear strongly upon this point. If the Committee will allow me I will just refer to the resolution of the Committee (of which Sir George Grey, Secretary of State for the Home Department, was chairman). After a laborious investigation of the whole subject, the Committee came to the following resolutions:—"That many prisons have been rebuilt or materially altered since 1835, by which uniformity of construction has been extensively promoted, and that the internal discipline of prisons has been materially improved, but that great variety of construction and discipline still exists. That this Committee concurs in the opinion expressed by former Committees of both Houses of Parliament, that such variety is a great evil; and considers it desirable that the Legislature should intrust increased powers to some central authority, of enforcing uniform adherence to rules laid down from time to time by Parliament in these respects." Then they go on, with respect to individual separation, to say, "That individual separation of prisoners, termed 'the separate system' of imprisonment, contemplated in the 2 & 3 Victoria, chapter 56, has been adopted in Pentonville prison, and in many county and borough prisons. That this Committee has received much evidence both as to the mode of applying this system, and as to its results. That this Committee regrets to have found a want of uniformity in some important particulars in the mode of applying this system in different prisons, which they think ought to be remedied." "That individual separation ought to be applied to all prisoners before trial, as it is essential in an especial degree that such prisoners should be secured from all

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intercourse with other prisoners." "That it ought also to be applied to all prisoners under long sentences during the earlier period of their imprisonment, but this Committee does not recommend that it should in ordinary cases be enforced for a longer period than 12 months. That hard labour is not incompatible with individual separation, and that where they have been tried in combination, as in the county prison at Leicester, the effect has been remarkable in the decrease of the number of committals, especially under the Vagrant and Malicious Trespass Acts." Now, with all our means, as I have stated, for establishing a uniform system of discipline in the ordinary prisons of this country, and it is to this point that I would desire particularly to direct attention, it is to be lamented that there is yet so great a diversity in practice. To establish the principle of separate confinement as a basis of discipline is well deserving the serious attention of all who are interested in the administration of the law or the welfare of society and the criminal; the real question is, the kind of labour or employment.

1117. You wish the Committee to understand that although there has been a considerable extension in the direction of an increase of uniformity as regards the construction of prisons since the year when those resolutions were put upon paper by the Committee of the House of Commons, there still is a very large diversity which, in your opinion, it would be desirable to reduce as speedily as possible?

I do not think that the resolutions of this Committee have ever been acted upon to any great extent; they may have been to a certain extent, but there certainly still prevails a great diversity of practice in different prisons.

1118. Is it not your opinion that uniformity in construction as in discipline is one of the first essentials?

I think it is most important. We have now got absolute uniformity in all the convict prisons, males and females; and there exists entire uniformity in all the military prisons. And I do not see that there is the least difficulty in having the same degree of uniformity in the county and borough prisons, so that men receiving sentences from two different courts should be quite certain to be subjected to the same discipline and under the same amount of punishment. It seems unworthy of a great country to have such a diversity of practice.

1119. In 1850 you gave evidence before the Committee, to which allusion has been made. Are this Committee to understand that your opinion with regard to the separate system, as there expressed, still holds good?

Yes, quite so.

1120. Have you seen no reason to vary that opinion?

Not at all. We have had the separate system now in operation for upwards of 20 years, without any variation as to its principle of discipline or the results either. We have had cause to deplore the period being shortened. In the case of convicts who have come afterwards into association in public works, it has been reduced to nine months, and that is rather too short a period for the amendment of a criminal and his correction.

1121. What in your opinion are the main objects which may be carried out by the separate system as applied to county and borough gaols?

I think that the separate system is the best corrective, as well as the most likely to conduce to the reformation of a prisoner.

1122. Does your view contemplate the infliction of punishment together with some attempt to reform the individual criminal?

I think that the reformation of a prisoner should always be kept in view, even for the shortest period; but the discipline should be so adapted as to meet the changing circumstances of the longer or the shorter sentences.

1123. Does not the fact of a long sentence or a short sentence make the whole difference in your view of the case?

Yes, in my view of the administration of discipline, it does.

1124. Do you believe that the moral reformation of a prisoner, as it has been called, could be effectively carried out with a short sentence?

No; under such conditions I am of opinion that the discipline should be more directed to deter than to reform; no one can hope to reform during very short periods, and if you fail to deter, you miss both the objects of a sentence.

1125. Would

1125. Would you consider it desirable in the case of short sentences to apply industrial training or occupations, such as book-binding or carpentering?

Under the Act 4th of George the 4th it is provided, "That due provision shall be made in every prison for the enforcement of hard labour in the cases of prisoners sentenced thereto, and for the employment of other prisoners." I would draw the attention of the Committee to the distinction in this Act between hard labour and employment. It is further enacted in clause 8, "That every prisoner sentenced to hard labour shall, unless prevented by sickness, be employed so many hours in every day, not exceeding 10, exclusive of the time allowed for meals, as shall be directed." Now, the Select Committee on Prison Discipline of 1850, in their comprehensive and valuable report, state in resolution 13, "That hard labour is not incompatible with separate confinement;" and in the 25th resolution it is stated, "That provision ought to be made in every prison for enforcing sentences of hard labour." The Committee thus confirmed by their opinion the provisions of the Government Act.

1126. Would you state what in your opinion is the meaning of hard labour, as applied especially to the shorter sentences of imprisonment?

I think that those two provisions of the Act and the opinion of the Select Committee of 1850, point to the enforcement of distasteful hard labour of a penal character, with a view to deter; that is my interpretation of hard labour. The employment of prisoners more particularly refers, according to my view, to the employment that would be given to a prisoner before trial, because the same Committee recommend that the separate confinement should be applied to prisoners before trial, whom it would not be legal to punish; and under the Act of the 2d and 3d of Victoria it is provided, amongst other things, that one of the conditions shall be, that a prisoner, being kept in separate confinement, shall be furnished with employment; but that is a different thing to distasteful penal labour with a view to deter him from crime, and which the Committee lay down as not being "incompatible."

1127. *Lord Steward.*] Are the Committee to understand that employment would be optional with the prisoner?

Yes, it would be optional before trial; employment should be offered to him as an amelioration of his confinement.

1128. *Chairman.*] In your opinion does industrial occupation constitute hard labour of a penal or a distasteful kind?

I think not; as usually understood.

1129. Are you conversant with the system as practised in the gaol at Reading?

Not exactly now; it is some time since I visited that establishment, but when I was aware of it, it was a system almost entirely identical with that of Pentonville, where prisoners were confined for 12 to 18 months.

1130. Would that, in your opinion, be a proper system to apply to short-sentence prisoners?

No.

1131. Would it be likely to have any deterring effect upon them?

I think not, during short periods.

1132. Would it be likely to have any reforming effect upon them?

It might to a certain extent, but I do not think that the period of what I should term short sentences, would admit of the hope that a prisoner would be reformed under any system; it would, however, be a protection, and give him the best chance.

1133. Therefore the Committee are to understand that with reference to the short-sentence prisoners, at all events, you would impose upon them the hard labour which you have spoken of as being of a penal and distasteful character?

Yes, certainly; combined with short separation.

1134. What is the maximum of a short sentence, in point of duration, which you contemplate in such a case?

That would depend very much upon the character of the prisoner. I should be

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be disposed to admit of a certain modification in regard to the term for which I would administer distasteful hard labour. With regard to the military prisons, with which I have had some experience, having organized them, and superintended them for the last 18 years, the Committee upon military prisoners, of which Lord Cathcart was the Chairman, recommended that the discipline should be as severe as was compatible with the circumstances, because it was necessary for other objects to make the sentences very short, so that a man might return to his regiment; but the Committee were very anxious not to carry out those sentences in a way that would either degrade the soldier, or render him reckless and revengeful; they wished to encourage hope and amendment on his part, even during short sentences which now do not average more than about 60 days. Formerly the average was about 90 days.

1135. Would you be good enough to explain to the Committee what length of sentence you propose in your idea of a short sentence?

I have just stated with respect to the short sentences of military prisoners, that they do not now average more than 60 days, and I should not be disposed to carry out one uniform rigid hard labour discipline with even those short sentences, excepting in the case of reconvicted prisoners.

1136. Lord *Wodehouse*.] Where would you draw the line between them and the prisoners who may be said to be sentenced for long terms?

I think that a prisoner sentenced for a month or six weeks might be kept at hard labour the whole of the time. I do not think that it would be expedient to make much change in that time.

1137. *Chairman*.] Would you be of opinion that even up to three months there was much chance of industrial occupation producing a reformatory effect upon the prisoner?

No, I should not; but in reference to industrial occupation, it might be granted to some men in the way of a remission in their favour of the hours of labour, or substituting instruction in school for a portion of the hard labour; it would be more in that way that I should make a change under a short sentence of three months, with an ordinary prisoner.

1138. Marquess of *Salisbury*.] Would you combine hard labour, and what you have termed employment, in the same individual, with the view of lightening his term?

Not in a very short term.

1139. Beyond six weeks I think I understood you to say you would do so?

Of course I can only speak in a general way, on a sort of average; if a prisoner were in for six weeks, and were an evil-disposed man, it would be better to endeavour to deter him by severe discipline; and if he were in for a longer period, say up to three months, and seemed to deserve it, it then might be relaxed a little, with a view to encourage his good behaviour.

1140. Do you think it desirable in such cases, to combine hard labour with his being engaged for a portion of his time in employment?

Yes, I think after a certain period the two might be advantageously combined; that is just what is done in military prisons.

1141. *Chairman*.] And the relaxation itself would be very gradual, and would go on with the working out of the sentence, would it not?

Yes, it would be gradual, and would depend in a great measure upon the character of the man that you have to deal with.

1142. Lord *Wodehouse*.] The system which you would recommend would be, that when prisoners who were placed on hard labour, strictly so termed, conduct themselves well, they should have the relaxation of being employed for a portion of their time in industrial labour, subject to being re-employed upon the more severe labour if they do not continue to conduct themselves well?

Yes. If the Committee will allow me I would refer to the Rules for Military Prisons, for 1851, I think they will explain the routine. They are as follows: "Prisoners generally will, except in very special cases, be placed on reception in the third class," (that is, the lowest class) "but the governor will exercise his

his discretion, except in the case of re-convicted prisoners, in making an early selection for promotion to the second or first class, of any prisoner who, from the nature of his offence, previous good character and conduct in prison, appears deserving of such distinction." That would be a great encouragement to all who intended to do well. "Prisoners who have been previously convicted by a court-martial shall, on admission, be placed in the third class, and if previously convicted within six months of their admission, shall not be promoted to a higher class until three-fourths of the period of their sentence shall have expired; if within 12 months of their admission, not until one-half of their sentence shall have expired; and if within 18 months of their admission, not until one-fourth of their sentence shall have expired. Prisoners who have been previously convicted, but not within 18 months, may be promoted to a higher class, at the discretion of the Governor. On foreign stations the visitors may relax this rule in the case of prisoners under sentence for periods exceeding six months. At home, the visitors will report specially, for the Secretary at War's decision, any case in which they recommend the relaxation of this rule in favour of a prisoner, on account of good conduct. Prisoners in the third class will, by good conduct, be eligible for promotion into the second class, under the above restrictions. The first class will be composed of those prisoners who, from their quiet, orderly habits, and general good conduct under punishment, may appear deserving of being promoted from the second class, after some experience has been gained of their characters. Prisoners in either the first or second class will also be liable to be removed to a lower class for misconduct." The distinction in the different classes is this: all military prisoners commence by sleeping for the first week without a bed, the same as if they were on guard, with nothing but their blanket. After the first week the third class have a bed given them every third night; and they have shot-drill for an hour-and-a-half in the morning, and an hour-and-a-half in the afternoon, with 32-lb. shot; they have oakum-picking for two hours in the evening, and they have, I think, four hours of drill in heavy marching order. On being promoted for good conduct to the second class they get a bed every other night; they have the shot exercise with a 24-lb. instead of a 32-lb. shot; and, instead of picking oakum in the evening, they go to school. The first class are relieved from shot-drill altogether; they work at gun-drill and other things, and they are selected for doing certain duties of the prison which are of a lighter kind; they get their bed every night. Formerly the first was the only class that had meat, and they had a meat dinner on Sunday; but now, from some medical testimony in favour of increased diet, all the prisoners get meat three times a week, as well as the first class.

1143. *Chairman.*] Therefore the principle of the system consists in having a certain variety of classes?

Yes; certain gradations in the punishment, and it is in a great degree the application of the same principle which has been in operation in the convict prisons. This is one of encouragement, combined with great stringency of discipline.

1144. From your experience of county and borough prisons generally, are you of opinion that the principles of that system could be in any way applied to them?

I have no doubt of it.

1145. *Lord Steward.*] Would not the shot-drill be found practically inconvenient, as being likely to produce rupture?

We have never found it so in the military prisons; it is entirely under the regulation of the medical man, who sees whether a man is fit for it or not; and it is so far, perhaps, easier to carry it out in military prisons than in county prisons, because there are prescribed orders for the position in which a man shall stand when he lifts the shot; but if it were adopted in a county prison, I should propose to have it on a higher level, so that the prisoner should not have to stoop down, and then it could not be prejudicial.

1146. *Chairman.*] There could be no apprehension then of rupture?

I should think not; there has been no inconvenience of that sort felt, the medical officer having inspected the man before he is put to that kind of hard labour; but few exceptional cases arise.

 1147. Are

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1147. Are you of opinion that shot-drill is very useful either as a prison punishment or as a disciplinary stage?

I think it is a punishment that the prisoners dislike very much, and that it has the merit of being exceedingly economical in its first establishment.

1148. *Lord Steward.*] Has it a prejudicial effect upon the temper of the men, and does it make them irritable and discontented?

I think not; we have never found it so; it is not carried out for any great length of time; an hour and a half in the morning and an hour and a half in the afternoon is all.

1149. You do not think that they dislike what they must know to be unproductive labour?

No, that makes it more penal, and they feel it to be penal labour. It would appear to be an object to be kept in view.

1150. Marquess of *Salisbury.*] How is the shot-drill carried on?

There are various ways in which it is carried on, which are perhaps difficult to explain, but I could state it simply thus:—A row of shot are laid on the ground, or rather on a small block to raise them a few inches from the ground in a line. The men are formed up in the rear of the shot, and on a signal they stoop down and take the shot up, and then face to the right or left, march three or four paces to where the next shot was, and set it down again; on a signal they take up the shot again, march back, and replace them where they took them from. That is the most severe way of carrying out the drill, from a man having the shot always in hand; in the other way, where it is deposited in a pile, the man comes back to his place empty-handed.

1151. *Chairman.*] You may carry the drill to any extent of complication, and you may keep it exceedingly simple, may you not?

It may be very simple; that depends a good deal upon the number; if there are a large number of prisoners, they do it in successive lines, perhaps 10 or 15 men in a line.

1152. Marquess of *Salisbury.*] At what pace are they bound to lift those shot?

About the ordinary quick time, or rather slower, I think. Here is a diagram (*producing the same*), which will explain the shot drill to the Committee.—(*The Witness delivered in the same. Vide Appendix.*)

1153. Does this diagram give the time?

Yes, it gives the whole process.

1154. Does it give the pace at which they go?

I do not think that that is named; they take a steady pace; they have only three or four paces to take; they just take the pace, and do it altogether; they do it by signal, and so many are lifted in a minute.

1155. *Chairman.*] I believe the system which is pursued in the military prisons has been applied to the naval prisons which have been recently established?

There has been a naval prison recently established at Lewes on the plan of the military prisons.

1156. Is the shot-drill practised in the naval prisons?

Yes, it is in the prison at Lewes.

1157. Consequently there would be no more difficulty in applying a simpler form of shot-drill to agricultural labourers than there would be in applying it to sailors?

I think not; they would very soon fall into it.

1158. May the Committee, therefore, understand that you would recommend shot-drill as one of the employments for prisoners, either in the nature of punishment, or in the nature of a disciplinary stage through which they must pass?

I think it would be a very good means of enforcing hard labour. It has been enforced in that way in some county prisons; and probably evidence might be obtained from those prisons on the subject.

1159. Duke of *Richmond.*] Do you prefer the shot-drill to the treadwheel or the crank?

The treadwheel is, I think, in some respects better, especially, that it may be subdivided into compartments, and therefore you could carry on separate confinement in connexion with hard labour; this could not well be effected with shot-drill. That is the only objection that I have to shot-drill for the county prisons; I do not quite see the way in which it could be carried out in separation.

1160. Would not the treadwheel have the effect of keeping the prisoner's muscles in better order than the shot-drill?

I think it might.

1161. My question supposes that the treadwheel is properly constructed, where both arms and feet are brought into exercise?

Just so.

1162. *Chairman.*] Are the Committee to presume that a variety of prison punishments is, in your opinion, desirable?

I do not know that any great variety would be desirable, except that some punishments may be applied to certain individuals that cannot be applied to others.

1163. Are you of opinion that the crank is a useful form of punishment?

I think it is, but it is open to this objection, that if the governor has the power of putting on the screw too tightly, he can, at his own discretion, increase the hard labour beyond what was perhaps contemplated; and there is also this further objection, that if the machinery is not kept well oiled and in very good order, all the difference in the hard labour falls upon the prisoner.

1164. Would it not, however, be possible to remedy that by having one uniform amount of pressure by which every crank could be regulated?

There might be a very low maximum, and that, I think, would do it.

1165. Following up a question of the noble Duke's, would it not perhaps be desirable to have the crank for one set of prisoners, and the treadwheel for another, and shot-drill for a third set of prisoners, in order to call the different muscles of the body into play in turn?

I think it would be possible, and it might be convenient; and if one were more distasteful than another, or of a more penal character, that would fall in very well with the gradations in punishment.

1166. *Lord Steward.*] Is not the crank labour liable to the same objection as shot-drill, that you cannot carry it out separately?

No; the crank may be put into a cell, or through the whole range of cells, or the crank can be easily arranged in compartments out of doors, and applied for pumping or other work.

1167. *Chairman.*] There are two forms of crank which are commonly in use in prisons, the one which has one continuous bar connecting every crank together, and the other, which is commonly known by the name of the hard labour crank, or the cellular crank, which employs one single man to turn it; to which are you alluding?

I was explaining both. One may be made for each separate cell, or a line of cranks may run through the whole of the cells. The one in the separate cell is the most penal of the two, because every one must do his share, whereas in a line of cranks it is very difficult to regulate it; one man might merely allow the crank to go round, and the others would be turning it, whilst he was not helping at all.

1168. Do you see any objection to the use of the hard labour or unproductive crank as constituting a penal stage?

It is a highly penal labour.

1169. Provided that the regulation of the screw was satisfactory, and that the pressure was not excessive, would you have any objection to it then as a punishment?

The only objection that occurs to me is that the cells, as usually constructed, have scarcely enough means of ventilation for that purpose, and they become too hot.

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1170. Supposing that the amount of pressure can be satisfactorily regulated, and that the crank itself is erected, not in the cell, but in some more convenient place, where there is a free admission of air, would you then be of opinion that it was an undesirable mode of prison punishment?
Not at all.

1171. Lord *Wodehouse*.] Would it not be very difficult indeed, without occupying too much space, to have cranks separate the one from the other at which the prisoners could work, and which would not be in the cells?
No, it is a very narrow machine, and small compartments, such as you see the treadwheel divided into, or rather wider, would be sufficient for separate cranks.

1172. *Chairman*.] It is smaller in bulk, is it not, than the crank, which is connected by one continuous shaft?
Yes, it is very narrow.

1173. Duke of *Richmond*.] Are you alluding to the description of crank which is now in use in the Petworth gaol?
I have not seen that crank. I think there are some at Winchester, and some at Lewes in the separate cells.

1174. Lord *Wodehouse*.] If I understand you rightly, you do not think that one separate crank would occupy more space, if so much, than the treadwheel at present?
No, I do not think it would; it would not require so large a building.

1175. Earl of *Ducie*.] Is it a fact, that the hard labour or unproductive crank is generally discontinued in prisons now?
That I am not aware of.

1176. Is it within your knowledge, that the infliction of this punishment of the unproductive crank leads to insubordination, produced by irritation and despair on the part of the prisoners?
I have not heard of that; the Inspector of Prisons will be able to give the Committee information on that subject.

1177. Is the unproductive crank a more irritating and disheartening labour than the shot-drill would be?
That would depend upon circumstances; but I think it just possible that it might be so, from being more continuous.

1178. *Chairman*.] Is there not this difference with regard to the unproductive crank, that in some cases the index of the work done is within sight of the prisoner, and in other cases the index is placed outside the door of the cell?
Yes; I have seen it both ways.

1179. Would you not suppose that that constitutes a considerable difference, and that the prisoner, if he could measure the amount of work done as he effected the revolutions of the crank, would be less disposed to feel that irritating and depressing influence?
That would depend very much upon circumstances; some prisoners will resist anything that is disagreeable to them.

1180. Duke of *Marlborough*.] From your experience, do you disapprove of unproductive labour?
No, I do not at all disapprove of unproductive labour when you are enforcing a sentence of hard labour. The labour that is the most productive, as far as the county rates are concerned, is that which will keep a man out of prison; and if a prisoner is placed merely in industrial employment for a very short time, it cannot have the same deterring influence that penal labour has.

1181. Then your answer would extend simply to short terms of imprisonment?
To short terms entirely; because in the convict prisons where we have long terms, we trust mainly to the deterring influence of loss of liberty. We begin from the first day a man enters Pentonville to occupy him at industrial employments, because the length of the period of confinement will have a sufficiently deterring effect on the man himself, and out of doors as an exemplary punishment.

1182. Duke

1182. Duke of *Richmond.*] Do you think it possible in short sentences to carry out the system of industrial employment?

Not during short sentences; at least not to advantage.

1183. Would it be practicable, in sentences varying from three weeks up to six weeks in agricultural districts, to carry out the system of industrial employment?

I should think not.. They would know nothing when they came in, and they could not learn anything. I do not call oakum-picking an industrial employment; that is a penal labour of a light description.

1184. *Lord Steward.*] You stated also, did you not, that you did not approve of the introduction of the Pentonville system into county prisons?

No, not for short terms.

1185. Earl *Cathcart.*] In your evidence this morning you have laid great stress upon two points, namely, with reference to the importance of separation, and the advantage of uniformity of system throughout the country.

Yes.

1186. With regard to separation, you must very much lament the circumstances which occur at this moment in some prisons in England, namely, the association, of which Coldbath Fields is an example, where many prisoners are associated together at night time upon beds laid down upon the floor, and nearly seventy in a room?

Very much indeed, nothing can be worse.

1187. With regard to uniformity of system throughout the country, could you suggest to their Lordships any system by which that uniformity throughout the country might be secured, which you have stated that you consider to be a matter of very great importance indeed?

There is a very considerable approximation to uniformity of construction now in the country generally; and I think it is almost a question for your Lordships to consider whether the permissive clause of the 2d & 3d of Victoria, chapter 56, which allows of separate confinement being carried out, should, with a view to establishing uniformity of discipline, be made compulsory, instead of merely permissive. The clause states, "And be it declared and enacted, That separate confinement under the provisions of this Act shall not be deemed solitary confinement within the meaning of any Act forbidding the continuance of solitary confinement for more than a limited time;" but the adoption of the system is left with the magistrates. Lord John Russell in 1837 strongly recommended the adoption of the principle in a circular.

1188. Do you not think that the inspection of prisons by the Crown Inspectors, to be followed immediately by a report, would have a good deal to do in securing uniformity?

I think the law would require to be clearly laid down first, and the regulations for enforcing the law.

1189. And publicity in this, as in other matters in this country, is a matter of great importance, is it not?

Certainly.

1190. With regard to the inspection of prisons, do you think that two inspectors are sufficient to inspect all the prisons and places of detention in England?

I cannot offer an opinion upon that point.

1191. Do you not think that it is a matter of importance that the report of the inspector should be sent through the Home Office to the quarter sessions as soon as possible after his inspection?

I should think so, certainly.

1192. The effect of the report would be very much dependent, would it not, upon its coming immediately after the inspection, which led to the report?

It might perhaps be difficult to secure a report immediately afterwards, because the inspection goes on throughout the year, and by the Act of Parliament the report is only laid before Parliament at certain periods.

1193. By some modification of the existing system, do you not think it important that the quarter sessions should receive the report of the inspector as soon as possible after the inspection?

 I think

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I think it would be desirable that a copy of the report should be forwarded to magistrates.

1194. With regard to my former question, do you think that two inspectors can efficiently inspect all the prisons in England?

Where there is a considerable degree of uniformity they would not require the same amount of inspection.

1195. But could they do so under the existing system with the present want of uniformity?

Until greater uniformity exists in prisons they would require very close inspection.

1196. Do not you think it a matter of very great importance that every prison and every house of detention should be inspected at least once a year?

I should think so.

1197. Are you not aware that that is not now the case?

I am not aware of that.

1198. You are probably aware, from your knowledge of the sentences of criminals, that there is throughout the country an extraordinary diversity of sentences for the same offences?

Yes, that is the most marked feature in the administration of the law.

1199. Has it not struck you that that is an anomaly, which if it were possible, should be removed?

You cannot fetter the discretion of a judge.

1200. But the matter has attracted your attention, has it not?

Yes, and I feel it very much in the convict prisons under the present Act of 1857, by which the judge may sentence a man for the same offence either to seven years' penal servitude or to three, which makes a very material difference in the discipline, from a feeling on the part of many prisoners that the sentence is unjust.

1201. With regard to the history of prisoners, do you not think that it would be of very great importance indeed that some system of inter-communication between the prisons should be organized by which the previous history of prisoners should be better traced than is the case at present?

It is a very important thing that there should be full and complete communication between the Home Secretary and the governors of prisons, and between the governor of one prison and of another, respecting the antecedents of prisoners.

1202. Are you aware that at the present moment a number of prisoners receive inadequate sentences because their previous history has not been traced?

Yes.

1203. Are you aware whether the table of fees at present existing militates against the proper administration of justice in that respect?

I am not sure that it does to any great extent; it is, I believe, known that the habitual thieves remain in the same localities, and do not travel about very much.

1204. Do you think that in some instances prison officers are deterred from coming forward to give information as to the antecedents of a prisoner from the inadequacy of their remuneration?

That I am not aware of.

1205. Lord *Lyveden.*] Will you point out to the Committee how you think an alteration in the Act which you have just mentioned would secure uniformity in the system?

Pressure would be brought upon those counties and boroughs which had not got a prison applicable to separate confinement.

1206. How does that stand at present?

The clause to adopt separate confinement is permissive, and by a subsequent clause certain conditions with regard to the cells are to be enforced.

1207. Your

1207. Your notion is, that if it was made compulsory to adopt separate confinement everywhere, that would to a great extent secure uniformity of system?

Yes, it would secure uniformity of system to a great extent; but I still think that a great deal might be done by rules, because I know of one prison especially which is on the old construction (I speak now of the prison at Bristol), where a most effective discipline is well kept up by the governor, with very inadequate means as regards construction: he has small cells, which are only fit for sleeping in, and cannot be certified for separate confinement; but by dividing his treadwheel into close compartments, and letting out the prisoners from their cells at certain distances from each other, and shutting them up in the compartments of the treadwheel, and marching them back again to their cells in the same way, no two prisoners can ever see each other, and he really obtains the advantages of separate confinement without the expense which would be entailed by the construction of a prison.

1208. These regulations which you speak of could be issued from the Home Office without any alteration in the Act of Parliament, could they not?

I am not aware of the extent of the power which the Secretary of State could exercise. They could originate with the visiting Justices, and be approved by the Secretary of State. I believe, however, that the Secretary of State has power to lay down any rule in addition to those which the justices propose.

1209. Duke of *Marlborough*.] Are you aware that there are some instances in which prisons have no rules at all?

I am not aware.

1210. Are you aware that at present the Secretary of State has no power to enforce rules?

I think that his power is very inadequate, as far as I have understood; but I am not personally acquainted with that subject.

1211. At present there is no penalty in the Act for the non-observance of any of the rules furnished by the Secretary of State?

There is no penal clause, so that virtually he has not power to enforce rules, excepting, I suppose, by mandamus.

1212. Should you think it would be an improvement which you would contemplate in any legislation on this subject that power should be given to the Secretary of State absolutely to enforce rules if they are not observed by prisons?

I think so.

1213. In any case should you consider that it would be an advisable change in the law that the Government should require the magistrates to frame rules according to their approval, and in the failure of those rules being so framed by the magistrates the Government should have the power to frame rules of their own, and send them down to the gaols?

I almost think that the power exists at present in the Home Secretary; I think he has the power under the Act; but from the want of a penal clause to enforce the observance of his directions, it would be inoperative; but I speak under correction.

1214. Is it your idea, from the knowledge which you have of the state of the law, that it was the intention of the legislature to confer that power on the Home Secretary?

I think so, at least to recognize the power.

1215. Earl of *Romney*.] With regard to the classification and promotion which you suggested, and which is in use in military prisons, do you think that could be carried out in county prisons?

I think it would be very easy to do so.

1216. Would there not be this difficulty, that the men in those prisons are in for only a very short time?

All those that were in for a very short period would be kept in one class, the lowest class; it would only come into operation for those who might be in for two or three months; then it might come into operation in that difficulty.

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1217. To whom do you give the power of raising them from one class to the other?

I think it would be for the governor to submit their names to the visitor of the week for his approval.

1218. Would not it have the effect that there would be nothing certain in the sentences; if a man is sentenced to four months' or six months' imprisonment, and it is competent to the visitor of the gaol to move the man up or down in those classes, would they not by that means increase or diminish the sentence?

I think, taking a practical view of the matter, if we were to assume the present discipline for the second class to be the medium discipline, it would be more stringent discipline for the lowest class, and perhaps a less stringent discipline for the higher class. I do not think it would make the punishment less certain because the discipline even of the first class for the short sentences ought to be very severe.

1219. But no one would know when a sentence was passed for four months what it really was. As the matter stands now, you turn to the dietary, and you turn to the punishments, and you know what four months means; but if the authority in the prison has the power of altering it, a judge, however well informed upon the subject, does not know whether his sentence is carried out?

He would not alter the term of confinement for a day, nor the dietary as laid down, but there would be some little variation for the purpose of working the discipline, with a view to the good influence it might have upon the prisoner; it would not, I think, make it less certain.

1220. Then, by a combination of the dietary and labour together, a sentence of 21 days is a much more severe sentence than one of six months, is it not?

Yes, for a time.

1221. And a sentence of four months would perhaps be more severe than one of six months?

Yes, for a time; but the longer the sentence the more severe on the whole.

1222. If it is competent to the authorities in prisons to lift the prisoner up to a higher class, the effect of that sentence which it was intended to have when it was passed would be taken away, would it not?

I should not vary the dietary. The dietary would probably remain as at present, because it is regulated by the period of confinement more than anything else.

1223. *Chairman.*] Besides the dietary and the hard labour which form constituent parts of the discipline of a prison, you naturally look, do you not, to the influence which the cell has upon the mind of a prisoner?

Yes.

1224. Are you aware of the character of that discipline, so far as the separate cell is concerned, in the majority of prisons in England?

I have no doubt of its having a very corrective effect upon the mind of a prisoner.

1225. Would you propose to provide for any uniformity as regards the clothing of the prisoners in their cells, or the bedding which they are to occupy, or the books which they are to receive whilst they are in the cell, or any other indulgences which are sometimes allowed?

That might be a matter for consideration in framing the different gradations of punishment. The deprivation of bed is one essential element of deterring discipline.

1226. Do you see any advantage in the use of the hammocks which are very frequently used in many gaols?

The particular advantage of them is that they roll up during the day, and give you the whole space of the cell for carrying on any employment which you may prescribe.

1227. Do not you think that it leads very often to a good deal of self-indulgence, and that it is, on the whole, an easier and more comfortable mode of sleeping than that which most prisoners enjoy out of prison?

It

It is a very comfortable bed, there is no doubt; but, as I have stated, our great object is to have the whole cell as vacant as possible if you employ the prisoner in it; and in that case a standing bedstead would occupy more space than was convenient. I think, as far as indulgence goes, that a man cannot make use of his hammock during the day at all. It is rolled up and put away, and he would make use of his bedstead if it were there.

1228. Are you aware whether in many gaols the hours of sleep are not extended to 12, 14, and even 16 hours?
That I am not aware of.

1229. In your opinion, what is the maximum which ought to be allowed?
That would depend in some measure upon circumstances. If you have a thorough means of lighting the prison, I do not think there ought to be any difference in the hours of labour or of sleep the whole year round.

1230. The Committee of the House of Commons in 1850 recommended a maximum of eight hours' sleep; do you agree with that?
Eight hours would be about what I should say was proper; going to bed at nine, they would rise at five.

1231. Do you not conceive that by thus reducing the hours of sleep to eight, which is an unusually low number in most gaols, you might utilize the two or three hours that would be gained, by employing them in instruction?
Yes, I think you might. It would afford an opportunity of carrying out the full maximum of 10 hours of hard labour, and you might give instruction in addition, or take the instruction out of a part of the 10 hours.

1232. There are some gaols where the hours of hard labour at the crank, or the treadwheel either, do not exceed two or three, or are absolutely none at all; are you of opinion that a sentence of hard labour pronounced in court is satisfactorily and fairly carried out in such a case?
I should say it was not carried out at all.

1233. I presume, that in your opinion the employment of a prisoner in an industrial occupation would not be a legitimate carrying out of such a sentence?
I do not think it is within the meaning of the Act of the 4th of George the Fourth.

1234. With regard to the punishments which are inflicted in prison for prison offences, they may be divided, may they not, into corporal punishments, into punishments of dietary, into solitary confinements, and into reproofs or admonitions?
Generally speaking, that is the range of punishment which is within the power of the governors or the visiting justices to inflict.

1235. Are you aware whether there is any other punishment in use in any gaols?
I am not aware that there is.

1236. Will you be good enough to give the Committee your opinion upon those different forms of punishment; you are probably acquainted with the effect that corporal punishment produces in reference to prison offences?
Corporal punishment in the convict prisons is administered for offences of violence. I have here a list of the offences, and they consist of mutiny or open incitement to mutiny in the prison; personal violence to any officer or servant to the prison, or to a fellow-prisoner, or threats of such violence; grossly offensive or abusive language to any officer or servant of the prison, and several other offences. Corporal punishment is usually confined in the convict prisons to acts of violence, and the number of lashes to which we are now restricted is 24.

1237. Are you aware whether in county or in borough prisons the use of corporal punishment has been found very effectual?
That I am not aware of.

1238. Are you of opinion that the stoppage of diet is a satisfactory punishment?
Yes; I think it is.

 1239. Does

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1239. Does not that imply that the diet itself must be rather in excess, if that stoppage can be effected for several days running?

Not always. It is the punishment of hunger that is inflicted upon the man, and I do not think it is an argument that the diet is in excess if you can give him his bread and water, or a diminution of diet, without seriously injuring his health.

1240. Have not some prisoners been kept in a dark cell on bread and water for a good many days running?

There is a limit to that in military prisons, but I do not quite know what the limit is in other prisons.

1241. What is the limit in military prisons?

I think it is three days.

1242. Are you of opinion that solitary confinement at certain periods is of advantage as a prison punishment?

I think that solitary confinement, alternating with confinement with hard labour, is a very good punishment, and it is very extensively adopted now in the army in sentences by courts-martial, and is introduced into the Mutiny Act; it is seven days' solitary confinement, alternating with seven days' hard labour, and so on, taking care not to exceed the maximum amount of solitary confinement which can be awarded within the twelve months.

1243. Will you explain to the Committee what you mean by solitary confinement in such a case?

Solitary confinement is confinement without employment in a light cell.

1244. Would you allow in such a case the use of any book at all?

No book but the Bible is allowed in the convict prisons.

1245. Is the chaplain allowed to have admittance to the cells?

The chaplain is allowed to visit the prisoners, and the medical officer and the governor of course visits them every day.

1246. Are the warders allowed to interchange any words with the prisoner?

No, they merely serve him with his meals.

1247. Are you of opinion that such a system could be applied as a short stage for the short-sentence prisoners, or as a preliminary stage for the longer sentence prisoners?

It would depend a little upon the character of the men. Some men might prefer a sentence of seven days' solitary confinement, where he could lounge his time away in his cell, to seven days' hard labour at the crank.

1248. Would you see any objection to enforcing solitary confinement for three weeks, supposing there were nothing objectionable in an individual case?

No, I do not see that there would be any objection in that. I am not sure that it would be so severe a punishment as alternating it one week after the other with hard labour.

1249. To what extent are reproofs administered as punishments in military prisons?

Whenever the governor sees that the offence does not require a greater punishment than an admonition, or that an admonition will have a better effect upon the prisoner, he exercises his discretion in giving him that admonition.

1250. The admonition ranks in the nature of a punishment, does it not; that is to say, it is entered and reported as such?

Yes, it is entered in the Defaulters' Report Book.

1251. If two admonitions follow each other closely, is it the rule that a punishment of a different nature is inflicted?

Not a punishment in addition, but the governor would exercise his discretion as to whether he should not punish the man instead of admonishing him. If that admonition should be of no use, I should think the natural course would be to try punishment for the next offence.

1252. Can you state the proportion of admonitions to other punishments?

No, I cannot.

1253. Would

1253. Would you state briefly to the Committee what is the nature of the changes which have been effected in military prisons within the last ten years?
There have been no changes, I think, excepting in reference to diet; the diet has been increased as I have mentioned.

1254. Marquess of *Salisbury*.] Can you give any reason for the alteration of diet?
It has been done on medical grounds.

1255. Has any report been published on this subject?
I am not aware of any report having been published.

1256. Was it submitted to you?
There were representations from the medical officers to the Secretary of State for War, which led to the consideration of the diet being increased in consequence of the loss of weight of the men and other circumstances.

1257. Are you aware that in one of your reports it is stated that, notwithstanding the loss of weight of the men, the health of the prisoners was better?
For 12 or 14 years I should think the military prisons were carried on without the use of any meat at all except for the first class, and the health of the men was certainly, generally speaking, good; but it was some change which took place in the views of the medical men or in the condition of the prisoners which led to their receiving meat on three days in the week.

1258. There is, in your Report for 1859–60, a table which shows that, notwithstanding the decrease in weight, there was a marked improvement in the health of the prisoners?
Yes, that was in some particular prison, I think. The report states: "Notwithstanding the apparent effect of the punishment in causing a considerable average loss of weight, it is remarkable and satisfactory that the number treated for sickness during the years 1859 and 1860 was proportionately less than in any year since 1848."

1259. Is there any change of the kind mentioned in your report for the succeeding year 1860–61?
Yes; I state, at page 16, "An improved scale of diet, which had been in use in the military prison at Aldershot since August 1858, was provisionally adopted for prisoners engaged at hard labour in military prisons at home stations in September 1861;" and following that is the scale. But all the changes in diet have been made entirely on the strong representations of medical officers, and there are different views entertained by medical officers upon this as upon other subjects. But it is difficult to resist a medical opinion when it is accompanied by any statement saying that the health of prisoners is less satisfactory than it ought to be. That has been the pressure brought upon the Secretary of State for War by the medical department of the Army: otherwise I think that the diet would have been continued as it was originally intended.

1260. In your experience was it satisfactory?
I think that the diet was sufficient before, and I think I may say more; I think that they are beginning to find out that in some respects it is now too good.

1261. Duke of *Richmond*.] Is it not the case, that what may be a sufficient diet in one prison may not be sufficient in another?
A good deal depends upon the climate, and I have no doubt a good deal depends upon the class of prisoners that you have, and the habits of life to which they have been accustomed; in some counties they live better than in others. Now, men accustomed to live well cannot bear the loss of the stimulants which they have been in the habit of receiving, or the loss of sustenance.

1262. Earl *Cathcart*.] Dr. Brinton, the physician of St. Thomas's Hospital, the latest authority I believe on the subject of food, and an authority of repute, has laid it down, that although an insufficient diet may not show itself for a time in telling upon a man, yet that afterwards it may slowly but surely sap his constitution; should you think from your experience that there was any truth in that observation?

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I think it is very possible, but our experience is confined to the period whilst the man is in custody.

1263. After that you have no subsequent reports of the state of health of those men?

I think there has been no subsequent report of the health of men suffering after they have joined their corps.

1264. Probably medical men in the army may have had opportunities of judging subsequently to the prisoner's discharge from military prisons?

During a short period afterwards, I think it has been represented that the men did not join their regiments in a fit state for duty; why the change took place I do not know.

1265. You, as a military man, probably would say that the surgeon in a regiment had great opportunities of judging and knowing a man's previous history, and weekly opportunities of judging afterwards, and he would be a very good authority upon the subject?

Yes; and it has been the weight which has been attached to those opinions which has led to the diet being increased.

1266. Would those opinions carry very great weight in your mind also?

Certainly, if the point was clearly established.

1267. Do you not think that no medical men have so many opportunities of judging as military medical men, because of their knowledge of the previous history of the men, and their weekly opportunities of observing them afterwards?

Yes, certainly.

1268. Earl of *Romney*.] Would it not make a great difference whether the man was in prison for a very long time or not?

Yes; our present dietary provides, that after 56 days the diet shall be higher than in the earlier period; but it is also a fact in medical science, which was strongly stated at the time when Pentonville Prison was first opened, that it was of great importance in long sentences to commence with a good diet, and never to let a man be down in his health at all; that if he were once let down it would be very difficult indeed to get him up again under the depressing influences of separate confinement.

1269. Did you ever hear of a case where it was necessary to alter the system of feeding within a prison because of the harm done by the system of feeding low at the beginning and increasing it at the latter end?

No, I do not think I have; but I believe the scales of diet are laid down rather with reference to that in the Secretary of State's rules.

1270. What is the longest sentence that you know of in a military prison?

In ordinary cases not more than a year, but the average is not more than 60 days.

1271. Earl *Cathcart*.] A scientific witness the other day before their Lordships informed them, that in his opinion wheaten bread and milk would form a very good diet; do you concur in that opinion?

Yes; there is a good deal of milk in the diet of military prisons.

1272. I have made inquiry at a large establishment in London, and I find that the price of milk per quart is 4 *d.*, and the price of stock-beef, used in making soup, is also 4 *d.* a pound; assuming the prices to be comparative throughout the country, do you think that that would be an economical diet?

I am not prepared to say the relative amount of sustenance in milk and meat, according to price.

1273. Marquess of *Salisbury*.] The expense of the military prisons does not amount altogether to the pay of the soldier, does it?

Generally speaking, the stoppage of the pay and beer-money of the soldier covers the entire expense of military prisons.

1274. What is the amount of a soldier's pay?

I think it is 1 *s.* 1 *d.* a day.

1275. Earl

1275. Earl of *Ducie.*] Do you find the system in military prisons satisfactory as far as the health of prisoners is concerned?
Yes, very satisfactory.

1276. Do you find it to be a system which is easily and economically worked?
It is very easily and very economically worked also, I think.

1277. Is it within your experience that it is deterrent in its influence?
Certainly.

1278. Is it a system which is only adapted to young men with healthy and vigorous constitutions?
I think that any man of middle age would go through it very well; it perhaps may not be exactly adapted to what you would call old men, but with a few exceptions it is adapted to the generality of prisoners, such as you see in county gaols.

1279. It is a great deal more severe than the ordinary discipline of county prisons, is it not?
I think it is more stringent.

1280. Would you recommend that in short sentences in county prisons a system should be introduced which should bring in some of the severities of military prisons?
I think it would in many cases be an improvement.

1281. Lord *Lyveden.*] How do you prove that it is deterrent?
By this circumstance: when Lord Cathcart's Committee sat in 1842 or 1843, a return was called for from all the regiments in the service to know how many men were in confinement under sentence of court-martial at that time, and what the average rate of flogging per 1,000 was; and I think the returns were that three per cent. of the men were at that time in confinement in county gaols under sentence of imprisonment by courts-martial, and that the rate of flogging in the army was five per cent.; and, based upon these data, we formed our calculations as to the accumulations that would be required, and the present discipline had not been introduced more than 12 months before there was a very manifest diminution in the number of men under sentence of confinement; that was concurrent with a diminution in the number sentenced to flogging; and that went on, and in fact has been going on until the present time; I do not believe that the number now in either case is one-half of what it was.

1282. Do you find the same prisoners return?
Not very many; the re-convictions do not take place in any very great proportion.

1283. Do they speak of it as a great penalty?
Yes; the system of discipline in military prisons is severe, and well adapted for short sentences.

1284. Duke of *Richmond.*] I understood you to tell the noble Lord that you thought it would be advisable to introduce into county prisons some of the severities of the military system of imprisonment; what portion of military discipline did you allude to when you gave that answer?
I think that the deterring elements of the punishment are hard labour, hard fare, and a hard bed; and for the lowest class in a civil or a military prison, I should propose that those elements were applied, as far as they could consistently, with a view to deter the men from crime.

1285. Do you conceive that there is much difference in severity between the treadwheel and the shot-drill?
I should think that the shot-drill is the most severe, from this circumstance, that we are obliged to limit it to an hour and a half in the morning, and an hour and a half in the afternoon, and the treadwheel can be worked all day.

1286. Lord *Lyveden.*] Do you consider the fare of prisoners much harder than that of the same class of persons when they are living at home?
One can hardly compare the diet in a prison to what a labourer gets at home: the conditions are so different.

 1287. But

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1287. But when you speak of the deterring effect, you must mean that the fare is harder than a man is accustomed to; otherwise, how can it be deterring?

The hard fare that I should refer to is giving as little as is consistent with the health of a man, and a kind of diet not such as he is perhaps accustomed to would be useful.

1288. Are you prepared to say that the peasantry of this country in general get more than is consistent with their health?

It is a very difficult question to compare the diet in prison with that of an ordinary labourer out of doors.

1289. When you say that hard fare is a deterring cause, you are bound to prove that it is harder than what the parties get out of doors?

I should give as little diet as would keep a man in health; and the hard labour and deprivation of liberty will do the rest.

1290. Duke of *Marlborough*.] It was given in evidence before this Committee the other day by a medical witness, that a proper amount of exercise administered to a prisoner either in the shape of walking exercise or hard labour acted beneficially upon his system by enabling him the better to digest the food that he received in prison, and so did away with the necessity of giving him a superior kind of food; does your experience at all bear out that opinion?

I think that the fact of prisoners in separate confinement requiring a very large amount of food to support them against the depressing influence, as it is termed, of separate confinement, may partly arise from the less amount of exercise they get, because it is really a fact that though the men are not required to use great bodily exertion in the trades which they carry on, they do require more food than men would require out of doors.

1291. So that if a proper amount of exercise were given to prisoners, with a proper amount of fresh air, they might still be subject to the hard fare, which you think is necessary as a proper punishment without its exercising any deleterious effect upon their system?

Yes.

1292. *Lord Steward*.] Do you think that the improvement which you state has recently taken place in the diet of military prisons, has at all lessened the deterrent effect of imprisonment?

I think it would have a tendency that way, but it has not been sufficiently tried to allow of any deduction being made from it.

1293. *Chairman*.] With regard to the difficulty of proving the identity of a prisoner, have you ever turned your mind to any remedy for that; and are you aware of any means by which it would be comparatively easy to prove a previous conviction against a prisoner?

I think that a careful record of all the evidence at the trial of prisoners, and an interchange of communication between the superintendents of police of the different counties and boroughs, would certainly tend to have that effect.

1294. The difficulty does not meet you in military prisons excepting in respect to the one single offence of desertion, I believe?

That is the only case in which the difficulty exists.

1295. In that case the remedy employed is that of placing a particular mark upon the offender, is it not?

Yes.

1296. And that mark is ineffaceable, is it not?

I believe so, excepting after a painful operation.

1297. Are you aware whether that practically answers the end in view?

I should think it does to a great extent.

1298. Duke of *Marlborough*.] Where is that mark put?

It is put under the left breast.

1299. *Chairman*.] Is that from your experience open to the objection which is sometimes raised against it, that it is a degrading punishment?

As far as the soldier goes, I think that if he deserts, it is well to mark him in

in order that he may not enter the service again; but that question has been put before me in reference to a discharged convict, and to that I should certainly have a great objection, because if a man is struggling to earn an honest livelihood or to go back into industrial courses, it would stamp him for the rest of his life and prevent him from earning an honest livelihood.

1300. Would it stamp him if the mark was affixed upon a part of the body which never would be seen under ordinary circumstances?
It could always be referred to.

1301. Are you aware of the evidence which the late Captain Maconochie gave upon that subject?
No, I am not.

1302. You are probably aware of the opinions which he entertained with regard to the importance of giving every man an opportunity on his discharge from prison of recovering himself, and obtaining a fresh start in life?
I think it is of the greatest possible importance: and I will take the liberty of mentioning, as the question has been opened, that I think assistance to prisoners on their discharge is a necessary complement to any good system of prison discipline.

1303. Therefore you would be prepared to accept the opinion of Captain Maconochie without any suspicion, coming as it does from such a person?
Yes; I think it is a matter of common sense.

1304. Are you aware that he proposed in his evidence, given before the Committee of the House of Commons in 1850, to affix a certain mark between the toes of the offender?
No, I do not remember that; and I should object to anything of that sort.

1305. Duke of *Richmond.*] Soldiers who desert are marked only with the letter D, are they not?
I believe that is the case.

1306. Are they not also marked for bad conduct?
Yes, for certain offences they do put B. C. upon them.

1307. *Chairman.*] Does not the infliction of corporal punishment practically mark any man?
I should think it does, if it were severely inflicted.

1308. Must it not do so as administered in the Army and Navy?
I should think so.

1309. Therefore, practically, you do affix a mark in that case?
Yes.

1310. Do you object to corporal punishment on that ground?
No; I do not think you can dispense with corporal punishment altogether; you must take the evil and the good together.

1311. Will you be good enough to draw a distinction between the two marks; one such as Captain Maconochie suggested, and the other such as is daily in force in the Army and Navy?
Corporal punishment would be quite the exception among prisoners, and as I understand your Lordship's question, it would be a general rule to mark everybody. I think a general rule for marking deserters is very well, but not with all discharged prisoners.

1312. Earl of *Romney.*] With regard to corporal punishment you are limited now to two dozen lashes, are you not?
Yes.

1313. That would not mark a man seriously, would it?
No, I think not. I have not, however, much experience on the subject.

1314. Earl *Cathcart.*] In one instance a man was taken in the North Riding of Yorkshire, for passing bad five-pound notes, and he was identified because he wore a belt round his waist marked D, which meant Dartmoor Prison: do not you think that that example would go to prove that some system of marking would be advantageous?
I think that the evil would be greater than the good.

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1315. Lord *Wodehouse.*] Would not the objection to marking apply with much greater force to a prisoner who had been sentenced to short terms of imprisonment, than it would even to convicts?

Yes, of course; because, numerically, they are so much greater.

1316. And also it would be a great hardship, would it not, in impeding the ease of his return to honest employment?

Yes; it would be only in the case of irreclaimably desperate characters that I could recommend it.

1317. *Chairman.*] Would you be prepared to relax your objection in the case of men who had been perhaps committed and re-committed to prison for very violent assaults or other outrages?

Yes; I have just stated that, in certain exceptional cases, the objection would be done away with, because it is assumed that a man never would attempt to earn an honest livelihood, and that he is warring against society, and the protection of society would be certainly increased by marking him.

1318. Therefore, in the case of incurable offenders, you would see no objection to affixing some such mark as has been described?

No.

1319. Marquess of *Salisbury.*] Would it in your opinion be desirable, for the sake of identifying any criminal when he comes a second time into the hands of justice, that a photograph should be taken of him when he comes in?

In some cases it might lead to detection on the second offence, and it is practised in some places, but I do not attach much importance to it.

1320. Duke of *Marlborough.*] With regard to the characters of prisoners, do you find in the convict prisons that in the case of prisoners who come to you after having been convicted a great many times for small offences, and having suffered their punishments in county gaols, there is a marked difference in their characters as compared to those who may come to you for one grave offence?

Yes, a very marked difference indeed. Those who are habituated to prisons are known directly; they generally conform to the discipline, and are not bad prisoners as such, but still there is no reliance to be placed upon them; they are playing a part.

1321. Any system which would apply to county gaols, and which would have the effect of diminishing the frequency of prisoners being brought to gaol for short terms, would have a very important effect, would it not, upon the convict prisons themselves?

I think there is no doubt about it; it is from the county prisons that the convict prisons are fed, which circumstance has always led me to attach great importance to the vigorous administration of discipline in county prisons.

1322. *Chairman.*] To resume very briefly what you have stated to-day in evidence, you have told the Committee that you are in favour of a greater uniformity of system as regards both the construction and the discipline of the different county and borough gaols of this country?

Yes.

1323. And with that view, you would propose to entrust somewhat larger powers than at present exist to the Home Secretary, to lay down rules which should not be optional, but which should be obligatory upon the county and borough magistrates?

Yes, I think that would be an improvement.

1324. And you conceive that those rules could be laid down sufficiently to insure the object in view without trenching upon the local jurisdiction of the justices, which ought not to be interfered with?

I should think so, and it would be for the public advantage.

1325. Do you anticipate any difficulty in so framing your rules as to avoid that?

I should think not; but the aid given by the magistracy and visiting justices is so great that certain discretionary powers should be lodged with them.

1326. And

1326. And you think that such powers must be lodged with them?
Yes.

1327. Under any system of prison discipline?
I think so; but I think that moderate powers entrusted to the Secretary of State, and wisely administered, as no doubt they would be, would be sure to command the concurrence of the country generally, for it would be for the public advantage.

1328. It is further your opinion, is it not, that hard labour should be made compulsory in all short sentences, meaning, by hard labour, not industrial occupation or employment, but labour either at the treadwheel or at the crank, or the shot drill, or stone-breaking, or some such work?
That I think seems to be contemplated under the Act of 4 Geo. 4.

1329. And it is your opinion, is it not, that it would be desirable to adopt that practice?
That is quite my opinion.

1330. With regard to the hard labour or the cellular cranks, you believe that if they could be worked in the open air or in the fresh air, and if they could be used as a preliminary stage to long-sentence prisoners, or as a penal stage or disciplinary stage to the short-sentence prisoners, and moreover if the amount of pressure could be adjusted to a very moderate maximum indeed, the objection against those cranks would disappear?
I think so.

1331. And you would entertain no objection to their use, under the circumstances I have detailed?
No. And probably their discontinuance in some prisons may have arisen from the defects in the construction of the machines, and from its being found that the cells were too close.

1332. And lastly, you would be in favour, where it seemed desirable, to employ shot drill, either as a preliminary stage, or as a penal stage, to the prisoners in county and borough gaols.
Yes; it is a convenient and economical means of enforcing hard labour.

1333. And you anticipate no difficulty in the use of that shot drill, inasmuch as it has been applied to naval prisoners in naval prisons.
I do not anticipate any material difficulty. They would require some more instruction before they got into the way of exercising themselves with the shot, and perhaps it would require more precautions.

1334. Nor do you believe that there would be any risk of personal injury accruing to the prisoners, if the shot were raised upon steps or stands, instead of obliging them to stoop down whenever they raised a shot?
I think not; some precautionary measures being taken, and the medical officer certifying that the man was fit to undergo that description of drill.

1335. In order very succinctly to get your view before the Committee, would you be good enough to state whether there are any other points of essential importance which you conceive ought to be considered by them?
The main point of all is, in my judgment, separation, as the basis of discipline.

1336. Duke of *Marlborough*.] If I understood you rightly, one of the points which you advo cate is, that the law with regard to the separation of prisoners should be made compulsory in all cases?
Yes.

1337. In answer to one of the noble Lords, who asked you whether there was not a considerable objection felt, in consequence of the diversity of sentences in different parts of the country for the same offences, you stated that you found in convict prisons that in some instances the same offence was visited with seven years' penal servitude, and in other instances with three years' penal servitude. Will you state to the Committee what injurious effects you have found flow from that difference?
During the period of separate confinement, the men having no communica-

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tion with each other, the effect is imperceptible; but the moment they get into association on the public works, the men naturally compare notes; and a man who has received a sentence of three years for a particular offence, compares notes with a man who, for the same offence, may have received a sentence of seven years; and the man who has received the longer sentence necessarily feels himself aggrieved, and that he has been treated with injustice, and he perhaps becomes a reckless and dangerous man during the remainder of his confinement, and it may be, throughout the whole period of his life, in consequence of his feeling that he has been treated unjustly.

1338. Do not the various lengths of the sentences very often depend upon the previous character of the convict?

In some measure they may; but the Act lays down that a certain portion of time shall be added to the sentence which would be proper to pass for the purpose of being remitted; that is an anomaly which is contained in the second or third clause of the Act of 1857; the term is added in some cases and not in others.

1339. That is an objection which would be felt in convict prisons, I presume, more than in county gaols?

Certainly; but although it would be impossible to limit the discretion of a judge, it would be desirable to have it within narrow limits to avoid that difficulty.

1340. Marquess of *Salisbury*.] Has it ever occurred to you that it might be possible in sentences for long confinement after a certain time to remove the prisoners from the county gaols to establishments conducted by the Government, and thereby, of course, ensure uniformity in their treatment?

In very long sentences it might be possible; it would be a sort of intermediate system of discipline between the present convict system and the county prisons. At present we carry out two separate periods: one in separate confinement system in two prisons which we have engaged for the purpose, Wakefield and Leicester, and another in the convict prisons; but if an alteration were to take place in the Act of 1857, by which the sentences of three and four years confinement were taken away, it doubtless would cause an increase in the number of sentences passed for 12 and 18 months, or even two years in the county prisons, and it would require careful consideration as to the discipline which should be administered. The discipline that I have ventured to suggest to the Committee of a gradation of punishments would come very fairly into play then. There would be a certain proportion of stringent hard labour discipline going on in the earlier period, with some amelioration during the latter period.

1341. Could not that be carried on with much more uniformity under the inspection of Government officers than it could in the separate gaols?

I have no doubt of it; sentences above 12 months might be removed to a district prison. There is an example of that in the case of Parkhurst; Parkhurst is for juveniles under sentence of penal servitude; but the Secretary of State has the power, on the application of magistrates, to place any boys there whose sentences extend from 12 months to two years.

1342. On the whole, you think that under proper regulations, and the details being well considered, such a plan would be rather desirable to be adopted?

I think it might be desirable; and if it were carried out to any extent, it would almost become necessary, because there is no question that if the number of sentences to twelve months and upwards increased very much, more accommodation would be required in the county prisons; and the best way of relieving those prisons would be to draft out from them after twelve months confinement, a certain proportion of the longer sentences.

1343. If that were beneficial in point of expense, would it not be beneficial in point of deterring prisoners from offences which require those long confinements?

It would lead to uniformity; it would be very much what the present convict system now is, but under discipline more applicable to shorter terms.

1344. Duke of *Marlborough*.] Is it your opinion, that if the sentences in county prisons were limited to sentences of short duration, say under twelve months,

months, it would ensure a more deterrent and a more uniform system of punishment in the county prisons being carried out?

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I think it would; but with regard to the longer sentences, I merely suggest that with a view to prevent the counties having to increase their accommodation, any central prison for the reception of all above twelve months, might be a very convenient way of meeting it; I suggested it more with a view to convenience and as being conducive to uniformity, than as making it more deterrent.

1345. Duke of *Richmond.*] Supposing the plan now suggested is carried out, if prisoners at the expiration of their sentence of twelve months, were kept in the manner suggested, it would practically take them entirely out of the jurisdiction of the magistrates, would it not?

It might or might not, if a central prison were made subject to the jurisdiction of the magistrates, that would be one way of doing it; but perhaps, as has been suggested by one of your Lordships, the best way would be to have a Government prison for the purpose, with a separate establishment.

1346. When once they got into those prisons, they would be wholly out of the jurisdiction of the magistrates, would they not?

Yes, if such a plan were carried out.

1347. *Chairman.*] Is there any paper which you wish to put in, and which you think might be useful to the Committee?

Yes; I have here a memorandum on the principal questions that appear to require consideration with reference to the resolutions of the Select Committees of the House of Lords and of the House of Commons, on the subject of convicts and imprisonment, and I could put in that part which refers to imprisonment. It was written in 1856.

1348. Does your opinion remain the same as it was at the time when you wrote that paper?

Yes, quite so. I will just state what my conclusion was: "In considering the present system of secondary punishment, increased stringency would appear necessary in the discipline of county and borough prisons, combined with greater encouragement to good conduct, and above all, assistance to prisoners on discharge;" that is as far as regards the imprisonment; there are other questions connected with transportation to which I need not refer.

The Witness is directed to withdraw.

JOHN GEORGE PERRY, Esquire, is again called in, and further examined as follows:

J. G. Perry, Esq.

1349. *Chairman.*] WITHOUT going back to any of the subjects included in your examination the other day, I will just ask you one or two questions first of all with regard to diet; is it not the fact, that very great differences exist in the different prisons in your district, with regard to diet?

That is the case.

1350. Some are below the Government scale, and some above the Government scale?

A few are above the Government scale, chiefly as to the allowance to short sentenced prisoners.

1351. There is no uniformity of principle existing in the different gaols under this head?

In the greater number of the more important prisons the Government dietary has been accepted with very little alteration, but there have been some modifications made even in them; in the smaller gaols it has been variously modified, so that it would be hardly too much to say that the modifications are endless in the different small prisons.

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1352. Will you be good enough to state what is the object which you believe is kept in view, and which you yourself would keep in view, with regard to the health of the prisoners; is it to send the prisoner out in the highest possible condition, or is it to send him out in the same state of health in which he was received into the prison?

The latter would certainly not be the object which I should have in view, because many persons come into prison in a most exhausted, diseased, and debilitated state, and therefore I should certainly not aim at sending them out in precisely the state in which they were admitted; I should send them out, if I had my way, in such a state of health and strength as would enable them to get their living, and in that way make it less likely that they would be again committed to prison for offences which might be the consequence of their inability to work.

1353. Would you not endeavour to improve the health of prisoners to the utmost point?

If prisoners were admitted in full health, I should endeavour to maintain it; and if they were admitted out of health, I should endeavour to improve their health.

1354. So as to raise it to the highest point which was possible?

To that degree of health and vigour which would fit them for labour.

1355. Will you state, with regard to extra diets, whether you are in favour of the principle that the surgeon should have a discretionary power of issuing extra diets?

It is absolutely necessary that he should, unless so high a dietary were given as would be far more than sufficient for the persons requiring the smallest amount of food.

1356. Is it your opinion that a record should be kept in writing on every occasion that an extra diet is issued, specifying the particular case, and the reasons why that extra diet is allowed?

It is so at present, and I think it is a very proper rule.

1357. Are you aware whether that record acts at all as a check upon the surgeon?

I am not aware that such a check is necessary; for I do not think that surgeons generally have any disposition to give extra diet where it is not required.

1358. Lord *Wodehouse.*] Is it frequently the case where the Government scale of dietary is adopted that the surgeons are obliged to give extra diet except in case of illness?

Where the Government scale is adopted without alteration, the number of extra diets is very small indeed.

1359. Duke of *Richmond.*] In what mode is it that a different scale as to diet is adopted, from that certified by the Secretary of State?

It is not so. When I speak of the Government dietary, I mean that recommended by the Secretary of State; but until it is adopted for a particular prison it has not the force of law, and the magistrates are not obliged to give it. Like the rest of the rules that were circulated by the Government, they may or may not be adopted by the magistrates in quarter sessions. If they are adopted, they are sent up to the Secretary of State to receive his sanction and confirmation for that particular prison; but unless the dietary, as one of the rules, has been certified for the particular prison, the magistrates are not required to use it. It was in that sense that I spoke.

1360. *Chairman.*] Will you be good enough to state to the Committee what the principle is upon which the surgeon acts when he issues an extra diet to a prisoner; that is to say, whether it is necessary that a prisoner should be considered an invalid previous to the issue of the extra diet, or whether that extra diet is merely given to him in order to supplement what, in the opinion of the surgeon, is a supposed deficiency of food?

I conceive that the latter was the intention of the law, but it is differently interpreted in different prisons. In some prisons the surgeon feels it his duty to interfere before a man actually complains of illness, and I think that is the right

right view to take of it. The surgeon may see that a man is falling into a feeble state of health, although he may have no special illness which would lead him to make a complaint. But in other prisons the surgeon feels that he is hardly warranted in giving extra diet until a man is actually ill, and fit almost to be sent to the infirmary.

1361. Therefore, in the one case the extra diet is issued when the man is labouring under positive disease, whereas in the other case it is issued before he passes on to the sick list?

Exactly so: to prevent his health from breaking down.

1362. Will you be good enough to explain a statement which I find in your evidence taken before the Committee in 1850, in which you were asked by Sir George Grey, "Is there not a discretion in the medical officer to increase the diet where the health of the prisoner is suffering from a low diet;" and your answer is stated to be this: "Yes, but that power can only be used where a prisoner is suffering from disease. It is held by the magistrates that the medical officer has no right to increase the diet of a prisoner unless he is positively ill, but a man may be so much reduced in strength by a low diet as to have the seeds of disease laid in his system," and so on. Would that imply that in 1852 a different practice prevailed from that which, according to your last answer, exists now in your district?

It would imply this, that in 1850 the magistrates held that view very much more generally than they do now. I am speaking of course of the practice in my own district; I have repeatedly had opportunities of conversing with magistrates on my visits, and have explained to them that the surgeon is bound not only to treat disease but to prevent it; and therefore that when persons are failing in health it is his duty to interfere if he thinks an extra diet necessary to save them from disease or weakness. I believe that that opinion has very much extended since the time that I gave that evidence. When I gave that evidence it certainly was the custom generally to regard a surgeon as bound to wait for symptoms of positive disease; that was the more common view taken by the magistrates, but now I do not think that that is the more common view; I think that a surgeon feels himself more unshackled than he did then.

1363. You would naturally attribute considerable influence to the admonitions which you have delivered to the different surgeons in different prisons within your district on this point?

I have no doubt that they have had some effect.

1364. And that has contributed to alter the practice in this respect?

I think so.

1365. Where the extra diets were previously issued in the case of disease only they are now simply issued as anticipatory of disease?

Yes; and of course also in case of disease.

1366. Lord *Wodehouse*.] Do you think that if a sufficient diet is prescribed, there is any necessity for the surgeon exercising such discretion as you have alluded to in your last answer?

I think there will always be that necessity, unless a great excess of food is given to the prisoners; because men differ so much, not only in their appetites for food, but also in the necessity that they are under for support, and in their normal condition altogether, so that if a sufficient dietary were to be prescribed for the whole prison to meet the requirements of those who want the most food, it would be very far in excess of that required for the others; and therefore a very great expenditure would be incurred, which is now avoided, and also the small feeding men would be over fed.

1367. Did I understand you rightly, that practically it is not found necessary where a dietary which is sufficient is adopted, to order extra diet except on comparatively rare occasions?

Yes; I have said that is not done very often; the number of exceptions to the normal rule is so small that it is not necessary for the surgeon to interfere very often.

1368. Do you not think that it would be very objectionable that the diet should be such that exceptions should be frequent?

Certainly.

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Certainly. I may add, that there is a prison in this very town which is a strong illustration of that opinion; I mean the prison of the city of London at Holloway; when it was first opened, the city magistrates thought that the dietary recommended by the Secretary of State was too high, and they requested that, as an experiment, they might be allowed to lower it; that was tried for some time, and the great number of extra diets that were required made me recommend that the dietary should be raised to the originally proposed standard, by adding four ounces of bread to the diet of prisoners under long sentences; that was done, and since that time the number of extra diets has been reduced almost to nothing.

1369. Earl *Romney.*] With regard to the case of a man with a bad constitution, broken down by dissipated habits, and who has received a sentence of six months for misconduct, coming into prison, is it the great business of the authorities to restore his constitution; is the utmost care to be taken, lest he should be injured by the treatment in prison, and the greatest pains taken to restore his constitution, and to reform him?

I certainly would not send him out in a weak and feeble state, simply because he had come in in that condition.

1370. It would be the business, in many cases, of the gaol authorities to restore his constitution as far as lay in their power, would it?

That would be incidental to his proper treatment.

1371. And therefore hard labour in many of those cases could not be carried out?

Not until a man's strength was somewhat restored.

1372. A great number of town prisoners are of very dilapidated constitutions, are they not.

Yes, very much so; and vagrants also are very often very feeble.

1373. Earl *Cathcart.*] I find that in one prison in the Midland district they give a great deal of ale to many of the prisoners. Do you conceive of cases in which it may be necessary to give ale to large numbers of prisoners?

If beer were required, they would naturally give ale in the country, rather than porter, which is given in London.

1374. *Chairman.*] With regard to school instruction, in most prisons on the separate system, provision is made, is it not, for school instruction?

Yes.

1375. Is that school instruction generally carried out by the chaplain, or by a school instructor?

In the large prisons there is almost always a schoolmaster, and there are several schoolmasters in some. In the smaller prisons there is seldom a separate schoolmaster, but one of the warders instructs the prisoners, or the chaplain or the governor does it; but even in some large prisons they have no schoolmaster; the chaplain does the duty.

1376. Is the system of instruction in its general outlines tolerably uniform?

Not precisely so; in some prisons they confine the instruction to boys and to young persons, in others they extend it as far as possible to all. The amount of instruction given depends very much upon the number of prisoners, because, as only a certain time in the day is given up to instruction, the larger the number of prisoners the smaller will be the weekly amount of attention that each will receive from the schoolmaster.

1377. Whenever instruction is given, is it given in classes, or is it ever confined to cellular means of teaching?

It is frequently confined to instruction in the cells; it is sometimes given in classes, sometimes in the chapels, and sometimes in the school-rooms, which are occasionally subdivided so as to prevent the prisoners from seeing each other; but in other cases they are not.

1378. When it is administered in classes, what is the average number constituting a class?

It would be impossible to state that.

1379. Could you state what is the maximum?

I do not think I could with exactness. When the instruction is given in the chapel

chapel there is a very considerable number of prisoners at a time, perhaps as many as 24 or 30 at a time, but where it is given in smaller rooms, of course the prisoners are in smaller numbers, and in the cells they are single.

1380. Is it not the case that very often a large number of prisoners, to the extent of 24 or 30 as you have said, are all collected in a room for the purpose of class instruction, with the chaplain or the schoolmaster to instruct them, and one warder at the very outside to maintain order?

I think that where so large a number were collected together they would have more warders than one.

1381. Have you never known cases where that has been done?

I have not seen any instances of it.

1382. Do you believe that the number of warders ever exceeds two in such cases?

I should think that they would seldom have more than two. Where the prisoners are instructed in the chapel, the seats of the warders are so placed as to enable two persons to command a view of that small number of prisoners.

1383. Are you of opinion that one schoolmaster, who is employed in giving instruction, and two warders who stand by, are able effectually to control the prisoners, and to prevent all communication passing between 20 or 30 prisoners?

That would depend very much upon the construction of the room where they are instructed.

1384. I am speaking now of a room in which they are upon benches without partitions?

They seldom have such rooms in prisons upon the separate system; it is more common to instruct the prisoners in the chapels where they sit upon the same seats that they occupy during the service.

1385. And where there are partitions?

There may or may not be partitions; partitions are very generally abandoned in the chapels.

1386. Are you in favour of the separation of prisoner from prisoner, by means of partitions in the school-rooms?

There may be no objection to it there, I think; but in the chapels I think that there is very great objection to it.

1387. Would you be good enough to state whether in the school-rooms you see any objection to the separation of prisoner from prisoner by partition?

No, I do not.

1388. Do not you conceive that it would be rather an advantage than otherwise?

I think it would in the school-rooms.

1389. It would enable them to fix their attention more completely upon the work which is in progress, would it not?

Yes.

1390. Would it not also prevent communication from passing between prisoner and prisoner?

It would.

1391. Will you be good enough to state to the Committee, whether those same advantages would not exist in the case of partitions in chapels as well as in school-rooms?

I think not. Originally, prison chapels were constructed in that manner; and the reason why that construction has been abandoned, and in many instances actually taken away after it was put up, was, that the prisoners not being able to see each other, were continually adopting other means of communication, either by altering words in the service as sometimes happened, or by scratching on the sides of the pews. Another objection was, that the prisoners were apt to go to sleep during the service from the closeness of the confinement in which they were; and they had great facilities for doing so, by

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sinking down upon their seats, so that they could not be seen by the chaplain. But the great objection was the constant attempts that were made by the prisoners to communicate or to recognise the voices of other prisoners.

1392. You stated just now that you conceived that there was an advantage in having partitions in the school-room, inasmuch as it obliged the prisoner to concentrate his attention more closely upon the schoolmaster, and consequently gave the schoolmaster a greater control over the prisoner for the time being; and also that it assisted in preventing communication passing between prisoner and prisoner; why would not the same advantages exist in the case of partitions in chapels?

Because in the school-rooms the men are constantly and positively employed themselves; whereas in the chapels, they are merely listeners to a service performed by others; and therefore they have much time on their hands in the chapel to misapply in the way that I have mentioned, whereas they have no inducement to do the same thing in the school-room, nor would it be possible to do so without being seen by the schoolmaster.

1393. In what manner are the prisoners constantly employed in the school-room, except in the case of writing and arithmetic?

They are employed in reading, writing, cyphering, and so on.

1394. One person only can read at a time, and whilst he is reading all the others must be silent?

But they are all much more under the eye of the schoolmaster than they are in the chapels, because where the seats are partitioned in the schools the partitions rise from the ground, and are completely open in front, and the prisoner has a table before him, so that he can be perfectly seen by the schoolmaster, and it can be seen whether he is doing his work or is neglecting it; but in the chapels where they are completely inclosed, except as to part of their heads, within the separate pews, it is very easy for them to sink down out of sight, and while they are supposed to be listening to the service, to scratch upon the panels messages to other prisoners; I do not mean to say that that is of any importance as a breach of discipline, but it takes off the attention of the prisoners altogether from the service, and causes them to be continually thinking of the other prisoners, and listening for them.

1395. But where is the mechanical difficulty in applying the same form of construction to a partition in the chapel, which you say is perfectly effective in the case of the school-room?

One difficulty would be the enormous size that the chapels would require to be made. If every prisoner were placed in a partitioned sitting, with his whole person visible, the chapel would not contain more than half the number, or not so many as half the number it now contains, where the seats are arranged one behind the other, and where it is only the head of a prisoner that appears over the edge of the pew.

1396. Then, do your objections really resolve themselves merely into mechanical ones?

No, they do not; the other objection will still remain, that the prisoners being only passive during the chapel service instead of being actively employed in the school-room, would be more likely to be making use of their opportunities for listening for other prisoners and communicating with them, than they would be in the school, where such attempts are never made; they are much more interested there, because they are themselves engaged in the operations that are going on in the school-room.

1397. But will it not induce them equally to talk, whether there are separations, or whether there are not separations?

No; because where there are no separations they are so much more completely under the observation of the officers, that they have not the same means of communicating; and also a still stronger reason is, that they can see each other, and feel that they are in the society of each other, and they lose that restless disposition which makes them continually listen for the voices of the other prisoners.

1398. Are you of opinion that in a prison chapel where there are no separations between prisoner and prisoner, communications fail to pass?

I believe

I believe they do in all those that are well regulated and managed; some slight communication may pass, but no communication of the least importance can be made.

1399. Do you believe that during those parts of the service, when the congregation are speaking at the same time, no communications ever pass between prisoner and prisoner?

I do not think that they do on the open benches, for the reasons that I have mentioned.

1400. Would you be surprised if you were told that prisoners have repeatedly applied to the governors of gaols to remove them to other places in the chapel in order to avoid being offended by the exceedingly filthy conversation of their companions?

I have never heard of such instances, but I can conceive it to be possible. But when I say that no communications of any importance can be made, I mean that none of those communications which are said to take place in prisons, and which lead to subsequent crime, could possibly take place between them. I can quite conceive it to be possible, as your Lordship states, that the prisoners may make use of obscene words to each other, which, in the case of a well-conducted prisoner, would be very offensive to him, and might lead him to ask to be removed to other parts of the chapel.

1401. You are aware that in some of the prison chapels singing is made a part of the service?

It is.

1402. Are you not aware that by means of singing it is perfectly easy to hold a very long conversation on any possible subject?

Yes, it is; and that is what I more particularly alluded to when I said that communication is made by altering the words in the service; but it is much less likely to take place where the prisoners sit upon open benches, because the warders have a better opportunity of observing them than they have in the enclosed seats.

1403. Was it not perfectly possible, when there were partitions, for one or two, or, if necessary, three warders to be placed upon a bridge above, so that they could look down and see the motion of every single prisoner within the partitions?

There are some prisons which have bridges above, but I do not believe that the inspection from them is better than in those in which the warders are placed in the usual manner.

1404. Is not the inspection, at all events, perfectly possible?

I am speaking now comparatively; and I think that a better inspection may be maintained where the warders are on a level with the prisoners, than where they are placed on a bridge above them.

1405. Can you state what is the maximum time devoted to school instruction to each individual prisoner, in the gaols with which you are familiar?

I think that it is very seldom more than an hour in the day for each person, supposing the prisoners to be separately instructed; but I would not say that that was the maximum time.

1406. But where the prisoner is instructed in a class, how long would it be?

Then, of course the time would be longer, supposing the schoolmaster to be in the prison for a certain number of hours.

1407. Do you believe that a prisoner is ordinarily able to bear more than three, or at the very outside four, hours' instruction?

No, I do not think that they ever have so much given to them. I think that in the earlier days of the Pentonville Prison, there may have been as much; but I do not think that is at all to be found in county gaols.

1408. Earl of *Romney.*] Has a prisoner sentenced to hard labour a right to demand to be taken from that hard labour, in order to be instructed?

No, certainly not.

1409. It is a favour, is it not?

It is generally accorded as a favour.

 1410. Therefore,

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1410. Therefore, when at school, it would be his interest to behave himself well?
Yes, certainly.

1411. Would not that be the distinction between the chapel and the school, that at the school he has an interest to behave well in order to get the privilege of being taken off the treadwheel, supposing that is the hard labour used in the prison, whereas chapel is part of the discipline which he is compelled to undergo?
That would be an additional reason, certainly.

1412. Therefore he would be more likely to behave better at school than at chapel?
Yes, practically that is so, certainly.

1413. *Lord Steward.*] Is the practice, with regard to untried prisoners, uniform in the gaols in your district?
No, it is not.

1414. Is there as much disparity with regard to them as there is with regard to prisoners under sentence?
Quite as much, I think. In some prisons they are offered employment, but in others they are not.

1415. Do not you think it desirable that there should be some one uniform practice established with respect to this matter?
Yes; decidedly so.

1416. Are there any particular improvements that you would suggest with regard to the treatment of those untried prisoners?
I think that in all cases some kind of industrial employment should be found for them; they very often suffer very much indeed from the want of it.

1417. It should be offered, but not enforced?
Yes, it should be offered, but not enforced; the law as it at present exists requires that it should be so; but it is not done in one prison in ten with any regularity.

1418. Are you now speaking of county gaols or borough gaols?
Of both. Prisoners have frequently complained to me that they have not had the option of employment.

1419. Earl of *Romney.*] There are very few prisons, are there not, where labour is offered to untried prisoners?
It is very seldom indeed that it is offered with any regularity.

1420. It is very difficult to carry it out, is it not?
No; I have known them eagerly embrace the opportunity.

1421. But it is difficult, is it not, for the prison authorities to provide employment?
In the present state of prisons, there are a great many where the prison authorities do not provide labour or work for those who are convicted, and therefore, of course, it would be an additional difficulty to provide it for the untried.

1422. And it is practically difficult, is it not, to fit up the prisons so as to meet the wants of the various trades when the men come and ask for employment?
There is no doubt that it is so; but there are some light employments which can generally be found. It depends a good deal upon the activity of the authorities, I think, and upon the kinds of trade that are carried on in the neighbourhood.

1423. And the sort of people that are mostly confined there?
Yes.

1424. Duke of *Marlborough.*] Do you find that in the prisons in your district a large number of boys are imprisoned?
In some prisons there are a great many; in London, for instance, there are a great many; but they are very much reduced in number by the operation of the

the reformatory schools,—partly by crime being repressed by the schools, but still more by the immense number of boys who are in the reformatories, and who would have been in prison over and over again if they had not been there.

1425. Do the prisons in your district still contain boys in certain cases?
Yes, they do.

1426. What is the youngest age of a boy that you have known in prison?
I have known a boy committed for trial at the sessions at six years old; but that, of course, would not be possible now; that was in the early part of my time, when one boy between six and seven, and the other of eight, brothers, were committed for milking a cow on a common, the one sitting on the ground and the other attempting to milk the cow into his mouth; but that could not happen at the present time.

1427. At present what is the age of the youngest boy in any prison with which you are acquainted?
I think eight is the lowest age.

1428. Should you say that there are a considerable number of boys in prison in your district between the ages of eight and fifteen?
Yes, a very great number.

1429. Are those boys who you think ought to be in reformatories?
I think they ought; but I think that a system of classification in the reformatories ought to be introduced, or else, whilst there is much good done by the reformatories, a good deal of mischief may also arise by mixing up comparatively untainted boys from the country with the worst vagabond boys of large towns, by which association more harm will be done to the comparatively good boys than good will arise to the others.

1430. So long as they are in prison under the separate system they are to a certain extent kept separate and free from contamination?
Yes.

1431. But I understand you to say, that when they enter the reformatory they are immediately associated with other boys?
Yes, they are; so that some boys who have been merely committed to the reformatory for the purpose of taking them away from bad associates, they being supposed to be very little tainted with crime, will for three or four years be associated with some of the worst characters of the neighbouring town.

1432. Do you think that, in addition to the reformatory, a system could be adopted of a prison for boys without its being necessary to send them to a reformatory?
I think that the system might be very much improved in large prisons, but in the smaller establishments the boys are continually mixed up with adults.

1433. In a prison conducted on the separate system, the boys might be kept as separate as any other prisoners, might they not?
Yes, they might; but of course young boys can scarcely bear the separate system for any time.

1434. I presume that the system of the reformatory was more for the purpose of continuing the punishment for a longer duration than could have been the case if a boy had been kept in prison, and with the view of adopting a system of reformation during that time?
Yes; and it was very well designed for that end. But it appears to me that the value of reformatories would be very much increased if the boys that were sent to them were classified as they are in France. In France, when offences are proved against boys under 16 years of age, they are sent to the Maison Centrale, where they remain for some time, until their characters have been ascertained by the governor and the chaplain; and according to the observations made by those officers, they are allotted to the different reformatories; so that in some there are boys who are taken away from their parents on account of the vice of their parents, more than of their own.

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1435. Is there any suggestion that occurs to you with regard to boys at present confined in gaols?

I think that a great deal of pains is generally taken now by the authorities in the gaols, especially by the chaplains, in the instruction of the boys that are confined in them. Much more attention is bestowed upon them than upon adults, and I do not see how it could be very much increased unless a separate department were altogether allotted to the boys; the number is now so small in each gaol, that it is only in some of the very largest that that would be practicable. In Cold Bath Fields prison, for instance, there is a separate division altogether for the boys, and they are under very good management there; but boys of every character are associated together.

1436. Then your own observation in the inspection of prisons does not lead you to offer any suggestion as to the improvement in the system of management of boys in gaols?

I should like to see them in industrial schools and reformatories; but I should like at the same time to see those alterations introduced which I have mentioned; and I say this not merely upon theoretical grounds, for I have seen instances in which boys have been rather corrupted than otherwise, on account of the indiscriminate association to which they are exposed when they are sent to reformatories.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, at One o'clock.

Die Martis, 17° *Martii* 1863.

LORDS PRESENT:

Lord PRESIDENT.	Earl CATHCART.
Marquess of SALISBURY.	Earl of DUCIE.
Lord STEWARD.	Earl of DUDLEY.
Earl of CARNARVON.	Viscount EVERSLEY.
Earl of MALMESBURY.	Lord WODEHOUSE.
Earl of ROMNEY.	

THE EARL OF CARNARVON, in the Chair.

Evidence on Prison Discipline.

Major W. Fulford, R. A.

17th March 1863.

MAJOR WILLIAM FULFORD, R. A., is called in, and examined, as follows:

1437. *Chairman.*] I BELIEVE you are the Governor of Stafford Gaol?
Yes, of the Stafford County Prison.

1438. Will you be good enough to inform the Committee what the size of that prison is?
The numbers average about 650 prisoners.

1439. Including debtors?
Yes, including all.

1440. Does that imply 650 cells?
No; it is not all on the separate system at present.

1441. What is the proportion of cells which are certified by the inspector?
There are 422 certified.

1442. What is the condition of the other cells?
One hundred and fourteen of the others are now about to be pulled down to make room for 320 separate cells, to be certified.

1443. You are preparing, in fact, to make the prison separate throughout?
Yes.

1444. Will you be good enough to tell the Committee what is the system which is in force in Stafford gaol?
The separate system, as far as possible, and as far as we have the means of carrying out hard labour for the convicts separately.

1445. What form of hard labour is in use?
The treadwheel and the cranks are the modes of penal hard labour in use in the gaol.

1446. I conclude that by the word "penal," you mean hard labour, as contra-distinguished from trades?
Yes.

1447. Will you state also what are the trade occupations which are in use in your prison?
The prisoners make all the clothing for the use of the prison; the tailoring, the shoemaking, the repairs of the prison, and mat making.

 1448. Are

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1448. Are those trades carried on under the superintendence and directions of trade instructors?
Yes.

1449. What is the maximum time which is allotted to hard labour?
Six hours and three quarters.

1450. Is that uniform for all the prisoners?
It ought to be; but unfortunately we have not machinery sufficient to carry out the system at present; and one of the alterations in the prison now in prospect is the addition of some wheel labour, sufficient for 200 men.

1451. Therefore, at present, a part of the prisoners in the gaol are without hard labour?
Without that species of labour; there are some employed in breaking stones, and picking oakum, and so forth.

1452. Is the treadwheel applied to productive labour?
Yes; one is employed in grinding wheat for the consumption of the prison, and of the two lunatic asylums in the neighbourhood, and the other pumps the water by a forcing pump over the building.

1453. Are the cranks of which you spoke applied to productive work?
They are not; the cranks are unproductive, with the exception of eight, which pump water.

1454. Have you ever had recourse to shot drill?
Never.

1455. Do you enforce oakum picking?
Yes.

1456. Would you class oakum picking amongst the hard labour?
No, I should not; it is disagreeable; but I do not think that a good many of the prisoners care half so much about it as they do for the treadwheel labour; in fact, the latter is the only one that they do care about.

1457. Will you state to the Committee what is the form of the crank which is in use?
The common hand crank, with a dial, which records the revolutions, and which admits of the friction being increased or decreased, according to my order.

1458. Is each crank a separate machine by itself?
Yes.

1459. And they are not connected by one common shaft?
Not a great number of them; the pump cranks are all on one shaft.

1460. Have you from experience found any objection to the use of those separate cranks?
Not the least.

1461. *Lord Steward.*] Do you proportion the requirements of the crank to the special strength of the prisoner?
I did it more so at first; but I found, after some little experience, that 10,000 revolutions of the crank, which is the number for a day's labour, made a very light weight sufficient to give a man a day's work. My orders are that they shall only do the work up to the meal, and then stop a little after they have had the meal, in order that the day may be divided; and I have frequently found, when I go round, that every one has finished his proper number of revolutions, and that the before dinner work, which ought to take till a quarter to one, is done before 11. But, taking one with another, it is a fair day's work, because the people who are employed at the crank labour are those who are imprisoned for very short sentences; summary convicts, and they do not get much to eat.

1462. Still, is it not much easier to some than to others?
Yes, no doubt; and you cannot name a punishment that is not.

1463. Earl of *Dudley.*] Then you give a margin of two hours?
Yes.

1464. Lord

1464. *Lord Steward.*] Is it not in your power to proportion the resistance so as to increase or diminish the difficulty?

Yes; I only mean that as an illustration; I could make it so irksome that the prisoner could hardly turn the crank with both hands. It is quite a matter of arrangement, but I make very little difference in the amount of resistance.

1465. *Chairman.*] The regulation of each crank is confined to yourself, and is not in the power of any warder, is it?

No, it is confined to myself; I always test the crank; it was originally thought that it might be tested by a weight; that the dropping of the handle would give so many pounds, which was quite a mistake; it did not do so. No doubt a weight of seven pounds would drop the handle, but it took a good deal more than seven pounds to pull it up the other side.

1466. *Lord Steward.*] But you think that the prisoners do not dislike the crank so much as they do the treadwheel?

No.

1467. Earl of *Dudley.*] There is compulsion in the case of the treadwheel, whereas they can take their time over the crank?

Yes, they can take their time over the crank, but they all must go on working at the treadwheel.

1468. In one word, the treadwheel is the only compulsory hard labour?

That is the only compulsory labour that I know of, or the only compulsory labour that any prisoner cares about, which is a more important circumstance still. There is not a day passes that I do not get, certainly a dozen, of different sorts of applications for the men to be withdrawn from the wheel; either they have a pain in their back, or they want to be put to a trade, or they think they have been long enough on the wheel, or some excuse, either to me or the prison surgeon, if they cannot come to me, to withdraw them from that labour.

1469. *Chairman.*] The Committee have been informed that in the opinion of some prisoners the use of the crank and the treadwheel, especially when applied to unproductive labour, has a tendency to degrade and to irritate; is that your opinion?

I do not believe it one bit.

1470. Have you, in your experience as governor of a prison, had an opportunity in any way of testing the truth of that opinion?

There are a great number of prisoners, of course, that I have had to deal with, and a great many of them have asked to be put to the one and to the other. I speak to a great many of them every day, and they have all sorts of excuses to make to be withdrawn from the crank, but I never heard any prisoner hint at that, and I do not believe that it ever entered one of their minds.

1471. Have you ever had any communications with any of the prisoners, either in writing or verbally, on that particular point?

No, I think not.

1472. You never asked any questions of the prisoners about it?

No, I never should dream of asking them about it, and putting it into their minds, because they would apply it instantly.

1473. Viscount *Eversley.*] Are those cranks put up in the cells of the prisoners, or are they in separate buildings?

They are in their own cells, with the exception of about seven or eight, which are attached to the separate department in the certified part of the prison, and they are in a shed, and to them are put such prisoners convicted at the assizes and sessions as are ordered by the surgeon for a time, perhaps, to be taken off the wheel, or who are cripples with wooden legs, and so forth, of whom I have a large number sometimes.

1474. In the cases where those cranks are in the prisoners' cells do you find that the ventilation is very much deteriorated?

That is the reason why we are building; the part they are in has never been certified, and the magistrates have now determined to pull down and rebuild the whole thing upon the same plan as the other parts of the building. No doubt the ventilation is not so good as it ought to be; but I do not know that it has anything

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to do with the crank so much, as that the ventilation of the building is bad. Some of the cells have not got cranks in them, but I do not see much difference; the ventilation is very bad all over the building.

1475. *Chairman.*] From your long experience as a governor, do you see any practical objection to the use of those cranks?

Not the least.

1476. But are the Committee to gather from your evidence that upon the whole you consider the treadwheel the better punishment of the two, inasmuch as it is less optional to the prisoner to evade it?

Yes.

1477. *Lord Steward.*] Would not the treadwheel be too severe for prisoners who are not able-bodied; and in that case would it not be necessary to have a crank, or some other instrument to substitute for it?

It is so occasionally; some of the prisoners cannot work at it, but that is the surgeon's business; there are a few in all prisons who are not equal to treadwheel labour.

1478. Can you dispense altogether with the crank?

No.

1479. Earl of *Dudley.*] You would prefer to have a medium between compulsory hard labour and industrial occupation?

Quite so.

1480. *Chairman.*] You have stated that prisoners very often petition for industrial occupation, in order to escape being put upon the wheel; will you state whether there are greater facilities in industrial occupations for the prisoners to shirk their fair share of the work which is naturally imposed upon them?

In making clothing, I am not a very good judge as to whether a man does a fair day's work; for instance, in making a pair of shoes, it must be remembered that they are not skilled artizans, and that therefore the master tradesman is not so good a judge as he would be of the work of 50 men in Stafford, where they are all shoemakers, and very acute at the labour, so that it is difficult in that way to ascertain when they have done a proper day's work. But it is admitted by the master shoemaker and the master tailor that they do not get the amount of work out of a prisoner that they should in a fair day's work from a man out of doors.

1481. Taking, on the one hand, the six hours' labour on the treadwheel, and, on the other hand, six hours' labour at industrial occupation, do you think that the six hours of industrial occupation are a fair equivalent to the six hours at the treadwheel?

No, certainly not.

1482. Do you consider industrial occupation in itself to be a labour which is adapted for the majority of prisoners in a gaol?

No, I do not; and I have for many years been telling the justices of Stafford that I do not think so.

1483. On what do you base that opinion?

That the prisoners do not care about it. In the case of the industrial occupation of a man who is not a master of his trade, we will say, the less he knows of the business the more he is interested in the occupation, and the more he is interested in the occupation the less he cares for being shut up in the cell; consequently time passes quickly and agreeably, and is no weight to him compared to that which it is to a man who is all day on the wheel.

1484. Do you say that from what you would naturally believe to be the case, or from your own experience of the practical working of the system in prisons?

It is my own experience; but I should have judged it if I had never seen a prison.

1485. Do you consider that the industrial occupation in itself succeeds in a pecuniary point of view?

No.

1486. Earl of *Dudley.*] It does not pay its expenses, does it?

I do not think it does, with the exception of grinding wheat, which pays its way. We grind corn, and make bread for the prison, and for the county pauper lunatic

lunatic asylum and for the subscription asylum just outside Stafford, and the profit of the prison upon that is upwards of 500 *l.* or nearly 600 *l.* a year. But with regard to all the rest of the work that we do, of course if the prison clothing were made abroad instead of being made inside, it would apparently swell the prison bills; but any profitable work for sale, such as mat making, and occasionally other small matters, that we have for sale, barely covers the outlay on the raw material when all is done; because one reason is that the workmen are not skilled artizans, and it takes some time to teach them, with rare exceptions.

1487. The things that are made in prison are very inferior?
Yes.

1488. Shoes made in the prison are not so good as shoes made outside the walls of the prison, and do not command the same sale?
Certainly not.

1489. Do you find that for all that is made in the Stafford gaol you get a ready sale?
Now we sell nothing but mats and matting and oakum; we have a ready sale for them; there are no mats, I believe, made so good as those which are made in prisons, not only in our prison, but in others.

1490. The clothes and shoes are only for consumption within the prison?
Yes, only for consumption within the prison; and the prisoners also execute the repairs of the clothing for the officers of the establishment.

1491. Marquess of *Salisbury*.] By whom is the bread made in the prisons?
By the prisoners; we have a master baker and miller, and he has under him six men, and they between them superintend the milling and the baking and the whole business; they bake about 60 sacks of flour a week.

1492. What class of prisoners are those men?
They are all convicts.

1493. You do not mean Government convicts?
No, convicted prisoners.

1494. *Lord Steward*.] Is that employment a substitute for hard labour?
Yes.

1495. In allotting them to that labour, have you reference to their aptitude for that particular employment, or to their general character and conduct?
We generally pick out men who have a long time to serve, and powerful men; we must have both of those qualities.

1496. Earl of *Dudley*.] Are you at all guided by the fact of whether he knows anything of the business before?
No; we should set any of the men to work at it; they are not all put on together; we turn out one at a time; and a man is always put out of the mill, or whatever employment we may give him of an industrial character in my prison, three months before he is discharged, so that he may go out with the influence of three months of treadwheel knowledge upon him.

1497. Does it never happen that your prison arrangements are thrown out of working order by the fact that you do not get a man who is capable of being a master baker?
No, because the master baker is a paid officer, not a convict; he is a superior man.

1498. Is he like the instructors in trades, and so on?
Yes.

1499. *Chairman*.] Are the Committee to understand that you employ the short sentenced prisoners under any circumstances in industrial occupations?
As seldom as possible.

1500. At what period of the sentence does the industrial occupation commence?
If a man were sentenced for a year, for instance, I should keep him to hard labour, certainly, for three months.

 1501. During

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1501. During those three months would you, under your present system, be able to give him six hours labour a day?

No, not quite; the prisoners who are convicted with hard labour, are not all capable, from some physical cause, of carrying out a full day's work, even if I could manage it, and some cannot do it at all.

1502. *Lord Steward.*] With regard to the excuses which you say prisoners frequently make with a view to avoid the punishment of the treadwheel, are you able, generally, to distinguish between *bonâ fide* excuses, and mere pretexts?

Generally; sometimes they are very clever, but I do not think now that they often get excused.

1503. Can you, or the surgeon, generally distinguish between excuses and pretexts?

Yes, I almost flatter myself that I know more about it than the surgeon.

1504. Have you frequently found any injurious consequences arise from the employment of the treadwheel, such as rupture?

No, never; once or twice men have slipped off and bruised themselves, but the wheel is instantly stopped; we have never had a fracture of a limb since I have been there.

1505. And no increase of any affection of the heart?

No, not that I know of; I never heard of such a thing.

1506. *Chairman.*] Is the man examined previously to his being put upon the wheel?

Yes, every man is examined and reported by the surgeon as fit or unfit for the wheel.

1507. If there was any suspicion of the man being in an unfit state of health, he would be taken off, would he not?

Yes.

1508. Earl *Cathcart.*] How many feet of ascent do you require in a day?

I scarcely know; I believe it is 57 steps in a minute; the steps are 10 inches wide.

1509. But you are aware, are you not, that the ascent is limited to 2,000 feet?

In my prison it is within my limit, but I consider it is quite fast enough.

1510. Marquess of *Salisbury.*] You give 6 ¾ hours to each prisoner for a day's work, do you not?

Yes.

1511. What becomes of the prisoner during the remainder of the day?

The day is divided into three periods: before breakfast, between breakfast and dinner, and between dinner and supper; the prisoner comes off of course for his breakfast and his dinner, and when he comes off from his labour after dinner, he is locked up.

1512. Then, in fact he has, you may call it, seven hours' work and five hours' rest?

He may rest all the remainder of the time if he likes.

1513. Therefore he is off work five hours out of the twelve?

Yes.

1514. The remainder of the time I suppose he is shut up in a cell?

Yes.

1515. With regard to the treadwheel, does the number of prisoners who are upon the wheel at a time, make any difference?

The wheel only holds so many at a time.

1516. Have you ever found yourself short of that number?

Never.

1517. Have you, in case you should be short of the number, any means of regulating it.

The effect would not be to give the prisoners any more trouble. I should not have so much power upon the stones for the grinding of the wheat. That would be

be the only difference. It would not give the prisoners more labour. I mean to say that one man would not be able to turn the wheel; but, 10 men being off out of 48, would produce no effect at all upon the labour. The treadwheel labour is merely going upstairs; there is no physical weight upon the foot. The stair drops from under the prisoner.

1518. It has been stated that it is a very painful position, from the man having to hang upon the treadwheel. Have you ever found that to be the case?

A man who is first put on the wheel is awkward at it for a day or two; but I do not think that they feel it so much afterwards. Of course the labour acts differently with different people; it is much less trouble and much less exertion, say, to a hodman, or to a man who has been employed in going up a ladder, than it would be at first to a tailor or a collier who has been sitting crouched up in a small hole in a coal-pit; but, when they get once into the swing of the thing, which they do in a day or two, they have no further trouble about it.

1519. Then you have not observed that the position in which the prisoners are placed, as was stated by one of the witnesses before this Committee, causes a strain upon their muscles, which is likely to be very injurious to them?

I do not think so, unless the chain be too long to which they are attached. If a man hangs back too far it would be so; but, if he stands up to his work, if he is perpendicular, and the chain is a short one, I do not see why it should affect him at all. I never heard the thing questioned for a moment.

1520. Earl of *Dudley.*] As a rule, you do not find amongst the greater number of prisoners, that any inconvenience arises from the use of the treadwheel?

Not the least.

1521. Marquess of *Salisbury.*] Do you approve of separation upon the wheel?

Yes; all my prisoners are separated.

1522. Do you think that that is advantageous?

I think so.

1523. They are off the wheel every other quarter of an hour, are they not?

In my prison they are on sixteen minutes, and off eight.

1524. During the time that they are off, is the same separation enforced?

They are still in their separate stalls. Each stall is about the breadth of this table, I should think, and it reaches out behind the man; and there is a small seat conveniently placed for the purpose; and when the machinery rings the bell, which notes his turn to drop off, he sinks on to his seat, and he cannot see anybody.

1525. Earl of *Ducie.*] Do you think that shot drill could be advantageously introduced into county prisons?

It was brought into the military service after I left it, and I have never seen it at all. It is very irksome, no doubt.

1526. *Lord Steward.*] Have you ever had occasion to employ any mode of punishment to compel prisoners to go upon the treadwheel? Have they ever refused to do so?

Sometimes; not very often. Occasionally a man turns rusty, and will not go on; but the stoppage of a meal (a supper generally) is sufficient to make them go on. In thirteen years there may have been three cases of that sort, perhaps. I think we had one man flogged for it, but he went up the next day, and he never dropped off again.

1527. *Chairman.*] What is your opinion with regard to corporal punishment for prison offences?

I do not think I could manage my prison without it; it is very seldom resorted to; but it is an incomparable punishment, no doubt.

1528. Have you uniformly found it effective?

Always, but in one solitary instance, about 12 years ago, soon after I came to the prison, and that man is in prison now. He was a boatman, a young man about 20, and he was put to the crank labour, and he would not do it; and so I punished him up to the limit of my power. I gave him three days in the dark

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cell, and still he said he would not work; and, notwithstanding all I could say to him, he would not. So I took him before the justices, and they gave him two dozen lashes, and then he was sent back to work, and he would not; they gave him four dozen, and he would not work then, and by that time his time was up. He was out, I should think, six months, and then he came back again; but the next time he came in he worked, and he has worked every time since, and he has been in a dozen times since that.

1529. Is that the one single exception of a man receiving two floggings during the whole course of your experience as governor of the gaol?

No; we had a man flogged the week before last, the second time; really there was no escape from flogging him, but I was sorry for him. He was a man of excessively bad temper, and he had made use of the most horribly insubordinate language, and the most gross and filthy language he could think of, and I reported him to the justices, who ordered him to have a dozen lashes, and he told me it was quite enough, he should never offend any more; but, unfortunately, we had an officer who was a very weak man, and, on one of the frosty mornings when this prisoner was at exercise, he had his hands in his pockets, and, for some reason or other, the officer pecked and pecked at him so long till he raised his ire again; he was continually telling him that he would bring him to me, and he would get I do not know what punishment; and the end of it was, the prisoner knocked him down, which I was not much surprised at. However, the magistrates said they could not permit such conduct, and they ordered the man two dozen lashes; that is the only other instance that I can call to mind.

1530. Earl *Cathcart,*] How do they conduct the punishment of flogging in prison?

The man is tied up as in a military flogging, and I parade the whole of the prisoners, and read the proceedings from the magistrates' minute book, and he is flogged in the presence of all the prisoners and the surgeon.

1531. Do you employ one man or two men to flog?

Only one.

1532. Is it anything like equal to the punishment which is given in the army?

I should say it is a good deal worse than any flogging I ever saw in the army.

1533. Do the first 12 lashes break the skin?

I do not know that they break the skin, but they are spread out so much more. A drummer in the army is drilled to put the whole of the 25 lashes into one little spot, but an unskilled artist does not ever hit in the same place; and therefore, although he may not break the skin, it is the first lashes that smart, not the last.

1534. Are you aware whether in the army the first 12 lashes cut the skin?

Yes; but they are all put in the same place.

1535. Is the man marked in prison by flogging so as to identify him a year or two afterwards?

Sometimes the flogging leaves a mark, I believe, but I am told not always. I do not know whether it is so or not, I have never seen a man's back afterwards.

1536. Do men, when they are flogged, show any signs of feeling; do they cry out at all?

This last one that I spoke of was the most hard-skinned fellow I ever saw in my life; his hands were tied up, but he did not even shut his eyes or change colour at all; but in general they make a tremendous outcry.

1537. *Chairman.*] There are some classes of prisoners, are there not, with whom it would be absolutely impossible to carry on the discipline of the prison if it were not for the terror of corporal punishment?

No doubt it is so; it is the only thing that they dread.

1538. Do you believe, as a matter of opinion, that if corporal punishment were applied in certain cases of re-convictions, it would produce a very salutary effect?

I think so.

1539. Earl *Cathcart.*] You are aware from your military experience, are you not, that the men frequently are flogged over and over again in the army?

Not very frequently; perhaps there may be one man in a regiment or less who would

would be flogged over again, but I do not think that many people get flogged twice in the army.

1540. *Chairman.*] At what o'clock are the prisoners locked up?
The lights are put out at eight o'clock.

1541. And at what o'clock do they rise in the morning?
At a quarter before six when it is light enough, and six when it is not; just now they have begun to rise at a quarter before six.

1542. Therefore they are in darkness for very nearly ten hours?
Yes.

1543. Are you of opinion that those ten hours are necessary?
Not necessary for a man's rest, I think; but I do not see how it could be well altered.

1544. Are the cells lighted with gas?
Yes; at one time it was suggested that we ought to keep them up for educational purposes, and so forth, to a later hour, and that it was a waste of time, and therefore for about a month, I think, I tried it, and kept the cells lighted till half-past nine, and I went round myself and examined the cells through the inspection holes at various periods during that time, and I found that there were not above three prisoners who were not asleep at nine o'clock. They were ordered not to go to bed, but they all had their heads down upon the tables, and were asleep notwithstanding.

1545. Are you aware of the resolution of the House of Commons in 1850, which limited the number of hours of sleep to eight?
Yes.

1546. In your opinion, would eight hours be sufficient?
Yes, quite.

1547. Are there not evils which result in a prison from allowing too great a continuance of sleep?
It is a waste of life certainly, but I do not know that there is any great evil beyond what attaches to that. I am not aware of any absolute evil.

1548. On what do the prisoners sleep?
In hammocks.

1549. Do they all sleep in hammocks?
On the summary side of the prison there are a certain number of wooden guard-beds as it were, such as they have in military guard-rooms, to which prisoners are sent on re-conviction for poaching or vagrancy, and such like offences, for any time not more than three months.

1550. Do you allow a mattress with those guard-beds?
No.

1551. Do the prisoners sleep on the boards?
Yes, they sleep on the boards; they have a blanket and rug.

1552. Have you ever become aware of any injurious consequences to the men's health from that practice?
Not the least.

1553. Would there be any difficulty in applying that system for more than three months?
I do not know; we have never done so for a longer period, but the men go out as well as the others. I have never observed any difference; they are always complaining, of course.

1554. Do you weigh the prisoners on their entrance and discharge?
Yes.

1555. Have you found, as a general rule, that prisoners lose weight?
No, they have rather increased.

1556. Earl of *Dudley.*] What is the division of the day; has each prisoner so much work, and so much teaching, and so much industrial occupation, or how is it managed?

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Those prisoners who are in their cells are taught or spoken to by the chaplain, when he thinks fit, at any hour of the day; the industrial teaching goes on all day; those who are employed in their cells get their exercise in the yards twice a-day, otherwise they are in their cells all the day, supposed to be at their work, whatever it is.

1557. Are those prisoners who are employed in hard labour at the tread-wheel and the crank, not employed at all in industrial occupation?
No.

1558. Do those who are doing hard labour receive any education?
From six till seven in the evening the schoolmaster and some of the warders are employed in an adult class, and twice a week a certain number, some of whom apply for it themselves, and some are suggested by the chaplain, attend on the schoolmaster in the school-room, but not many.

1559. They are not separately instructed, are they?
No, they are in the school-room together, but under *surveillance* the whole time; there are two officers watching them.

1560. If they are recommended by the chaplain, they are all allowed to go into a class with the schoolmaster, it being much easier to teach a number in a class than individually?
Yes, I suppose so.

1561. Does any man who comes in for, as you say, over six months, get an opportunity of learning?
If he wishes it; it is not compulsory.

1562. Do you find, as a rule, that many refuse?
There are some few who learn very readily, but I should say that there are more who do not.

1563. Then are the Committee to understand this: that there are a great many prisoners who come into your gaol, who perform the labour that they are obliged to do, and will do nothing else; that is to say, they will not volunteer to learn?
They will not volunteer to learn; all those who can read are supplied with books of instruction in their cells.

1564. Just take that class who only perform the wheel-labour which is put upon them; when that is done their day is done, is it not?
Yes.

1565. Have they the treadwheel with a certain amount of time for their meals, and an airing besides?
No, the wheel counts as their airing.

1566. And their day is done with when they finish their work on the wheel?
Yes, and then, as a general rule, they go to sleep.

1567. You were asked whether you did not think that so many hours in a cell alone was productive of evil; I think that question bore upon a particular evil, as to whether so many hours in the cell alone led to anything in the gaol that would be prejudicial to the health of the prisoners?
Not to my knowledge in any way; at least I am not aware of it.

1568. With regard to the class who are engaged in hard labour, when their work is done you simply send them to their cells, and there they lie till the morning?
That class of people who are totally ignorant, and whose minds are void, as it were, can sleep a much larger number of hours than persons of education can do.

1569. Then we come to the class who are industrially occupied; how many hours do they have of industrial occupation, and how many hours of airing?
They ought to have two hours a day of airing, and in a general way, barring the climate, they have that amount.

1570. *Lord Steward.*] When the weather is bad, how do you manage?
Then they do not go out; if it is a very bad, downright pouring day, we should not send them out; but if it were a little drizzly, and so forth, they would go out.

1571. Earl

1571. Earl of *Dudley*.] How many hours of industrial work have they?
The tailors and shoemakers are supposed to work much later than the others, and they do so; their tools and things are such that they can work by gaslight, and they work till half-past six.

1572. How many hours have the others?
The others leave off at a quarter before five, and then they have their supper, which is supposed to take half an hour in getting, and arranging and one thing and another, but it really takes about an hour or more.

1573. *Lord Steward*.] Is not the instruction in classes a little inconsistent with the separate system?
Precisely so, as we are doing now; only that instead of one watcher, as it may be, there are several officers, one to every three or four, perhaps, who is assisting in the teaching.

1574. Do you think that any inconvenience arises from that?
Not the least.

1575. Does no communication take place?
I think not.

1576. *Chairman*.] What is the proportion which you would allot of officers to men whilst they are receiving class instruction?
Perhaps from 16 to 20 men would have four officers. Some of the prisoners read very badly, and colliers and such like people could not get on at all if there were not a large proportion of officers there. Some of them are very intent upon receiving instruction. Those who do wish to learn, learn wonderfully rapidly.

1577. Do you conceive that when a class consists of from 25 to 30 men, and there is one officer at the outside, two officers in the room assisting the schoolmaster, either that the men themselves can gain very much information in the long run, or that it is possible to prevent communications passing between one and the other?
I do not think that they could begin at the beginning, and learn up anything very much, but I think that communication is prevented by the system that we adopt.

1578. Earl of *Romney*.] May all prisoners who are sentenced to hard labour demand to be taken to the schoolmaster?
No, I suppose not; there is no settled rule about it; practically they do not; a good many would not be allowed to be taught; men who are conducting themselves ill in the prison, or who are re-convicted, and so forth; but the chaplain arranges that matter; I do not interfere with it at all.

1579. It affords a very good opportunity, does it not, for a man's pretending that he wanted to be taught, in order to evade the hard labour?
They are taught twice a week in the school, and I dare say it may be used as a pretext, but the Act of Parliament says that the chaplain shall have the men at such hours as he thinks necessary, whether it takes them from their hard labour or not; therefore, I have no voice in the matter.

1580. *Chairman*.] Since the system of instruction has been in force in your prison, have you noticed any increase in the general intelligence or educational capacity of the prisoners?
No, I think not. The chaplain's return, I think, does not vary much annually with regard to the astounding ignorance of the great bulk of them.

1581. Do you find that those who are recommitted remember the instructions with tolerable accuracy which they have received in prison?
Prisoners who mean to learn, for instance, adults of the class of small tradesmen, either masons or carpenters, or something of that sort, who go in and find it hard to learn, I do not think ever come back again, and a man who in three months will learn to read and write, and do it fairly, as I have known many of them do, does not mean to come back, he is doing it for a purpose.

1582. *Lord President*.] Have you observed from what class you get the greatest number of reconvictions; whether from the animal stupid class, or from those who show an anxiety for instruction?
With regard to juveniles, of whom we have a great many in Staffordshire, there

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are a great many who have learned entirely to read and write in the prison, and they are almost certain to come back again.

1583. More so than those who have not learned to read and write in prison? Yes, they are the sharpest of the lot.

1584. Marquess of *Salisbury.*] You do not believe in their reformation?
No, I am sorry to say that it does not show up very well in that respect, but rather the contrary. A little boy is brought in for stealing a loaf, or a cake, or a knife, or some small offence, and he is sent to prison for 21 days, we will say. I have had them really so small and so tender that I have been obliged to put them in the female hospital to play with the kitten; that is an absolute fact. Most of those little wretches either have a stepfather or a stepmother, and they lead the life of dogs at home; and the effect of their coming into prison, where they are fed, and housed, and clothed, and treated gently is, that they have lost the dread of a prison, and they have gained the swagger of a prison bird, and they come back again. If those little boys were whipped at the police office, instead of being sent to prison, it would make a material difference in the number of our prisoners.

1585. Earl of *Dudley.*] As a rule have you not been relieved of those boys by their being sent to reformatories?
We have decreased a little, but a very little, in the average number of our juveniles since the reformatory system began.

1586. You still have juveniles sent to you, have you not?
Yes.

1587. Earl *Cathcart.*] Is it not the case that reformatories will not take small boys until a second conviction?
It is a very difficult case to manage, because some reformatories will not take them unless they are very bad boys, and other reformatories will not take them if they are bad boys; some will not take a boy under a certain age, and others will not take him over a certain age, and the effect of the two systems is that the justices in the country are rather puzzled as to whether they shall send any particular boy to a reformatory, because they do not know whether they will receive him or not.

1588. Is it not the case that when boys are put into prison the first night they cry very much?
I have had several cases of that sort; for instance, the case which I mentioned of the little boy with the kitten, and I have had three or four boys in whose cases we have been obliged to light their gas, and leave the door of their cells open by night; but it is astonishing what hard lives most of them have led before they come into prison, and consequently they do not care much about it in any way.

1589. *Chairman.*] During your experience as governor of a gaol, have you ever known a case of prisoners returning to the gaol by their own contrivance?
Yes, I think that prisoners from workhouses frequently commit some offence in the workhouse in order that they may come back to prison; the prisoners have told me so many times.

1590. Is that in consequence of the system pursued in the workhouse, both in point of diet and of general comfort being very inferior to that which they receive when in prison?
The prisoners themselves tell me that the whole system in the workhouse is much less comfortable than that of our prison, and some years ago, by order of the visiting justices, I made a comparison between some eight or nine of the neighbouring Union workhouses to Stafford and the Stafford gaol, and I found that our weight of diet per week was greater than any one of them.

1591. Lord *Wodehouse.*] Is it not found that female prisoners more often come back from the workhouse to the prison than male prisoners?
I do not know that it is more the case with them than with the others. Female prisoners elect to be confined in child-birth in the prison in preference to the workhouse; they would always come if they could.

1592. Earl

1592. Earl of *Dudley*.] Do you mean that they commit an offence in order that they may be sent from the union to prison?
Yes, I have one now in my custody who has been committed upwards of 70 times.

1593. *Chairman*.] Would you be good enough to put in a table of the dietary of your gaol?
Yes (*delivering in the same*). (Vide *Appendix*.)

1594. Is that dietary framed on the Government rules?
I believe there is some very trifling variety in it, but I am not sure whether there is or is not.

1595. Will you state to the Committee how often, under the last class, the prisoners receive meat?
Class 5 receive, on Sundays, Tuesdays, Thursdays and Saturdays, four ounces of cooked meat without bone, and soup on the other three days.

1596. Consequently meat, in one shape or other, is given every day?
Yes.

1597. As a mere practical question, and not receiving it in any scientific light, is that, in your opinion, enough, or is it too much?
I think it is too much.

1598. Do you believe that it might be reduced without injury to the prisoners?
I think so; I am not sure that it is too much for prisoners who are confined for two years or a long term of that sort, but up to a year I am convinced that it is more than is necessary.

1599. You therefore think that the ordinary classification which allows this substantial diet at the close of four or five months' imprisonment commences too soon?
If the imprisonment is only to last a year I think it does, but if it is to go on for 18 months or two years I do not think it does.

1600. Would it not therefore be wiser to have another break in the diet at the close of the first 12 months?
Yes, if it is considered advisable to have such long imprisonments in the county prisons; but it seems to me that if the imprisonments were shorter, and the whole discipline severer, it would be better and more deterrent.

1601. Speaking generally, do you consider the diet which is allowed in all prisons is in excess of the diet that they would receive in the workhouse?
Yes, in the case of the higher classes of diet, not in the first and second classes.

1602. Earl of *Romney*.] At Stafford there is a break at the end of three months, is there not, in Class 4?
Class 3 is for one calendar month, and not longer than three months; Class 4 is for terms exceeding three calendar months, and not more than four months.

1603. That is the difference between the regulation at Stafford and that suggested by the Secretary of State?
Yes; that was arranged by the justices and Mr. Perry when he was the inspector of the Stafford district.

1604. *Chairman*.] Therefore I think the Committee are to collect that in point of diet, and in point of bedding, and in point of the general comfort of the cell, the prisoners enjoy advantages in prison which they do not receive when they are in the workhouse?
Yes.

1605. And consequently there is a disposition on the part of many who are in workhouses to commit workhouse offences in order to gain admittance to prison.
Yes, certainly.

1606. Earl *Cathcart*.] You are speaking of some particular workhouse, are you not, and not of workhouses generally?
No; I am not speaking of any workhouse in particular. The workhouses that I am speaking of were seven or eight unions. Stoke, and the various unions in the neighbourhood all round the prison, were the ones that were tested.

 1607. *Chairman*.]

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1607. *Chairman.*] You are speaking of those unions which are within the county, and which, in fact, in that sense would be said to feed the prison?
Quite so.

1608. Can you supply the Committee with information as to the number and amount of recommittals?
Yes, I can do so for the last year. In 1862 there were 622 prisoners tried at the Sessions and Assizes, of whom 180 were either acquitted, or the bills against them were thrown out by the grand juries. Therefore, there were 442 who were convicted, 39 of whom had served various terms of penal servitude. It appears that 77 of the 442 had been once before in prison, 42 had been twice, 22 had been three times, 21 had been four times, 5 had been five times, 9 had been six times, 13 had been seven times, 9 had been eight times, 1 had been nine times, 3 had been ten times, 1 had been fourteen times, and 1 had been twenty-three times, so far as we know of our own dealings with them. They might have been in other prisons besides.

1609. Marquess of *Salisbury.*] Does that include summary convictions?
Yes, for all sorts of offences.

1610. *Chairman.*] May the recommittals for 1862 be accepted as a fair average of the recommittals in each year?
Yes, I think so.

1611. Are you of opinion that that amount of recommittals is necessary under any system?
No, I should think not. That brings in the very point that we have been talking of. In the case of a great many of those who were committed and recommitted again and again, probably those that had been in the longest time began when they were nine years old, and they never should have begun at all. That is one point. Then, if the others had been more seriously dealt with, on a former occasion, probably some of them would not have come back.

1612. Therefore the Committee may infer that the system, whatever it is at present, is not so deterring as it might be?
I think so.

1613. Are you of opinion that there are certain classes of offenders upon whom the whole machinery of moral reformation, as it is termed, is practically thrown away.
Yes, certainly.

1614. Are you of opinion that moral instruction has any weight with the class of receivers of stolen goods?
None whatever.

1615. Do you believe that it has any influence over men who are trained and habitual thieves?
No.

1616. Are you of opinion that it has any influence over those who are reconvicted more than twice?
No.

1617. Therefore in all those cases, you would wish to substitute a more deterring element in your system than mere moral instruction?
Yes, quite so. There is one other class that I do not think are at all deterred, namely, coiners and passers of bad money. I remember one case of a whole family who were sent to me, a man and his wife and some other member of the family, to undergo imprisonment; and actually their friends brought them base coin at the door of the prison, and they did not get 500 yards from the door, before they were caught again for passing it, and they had not been out of prison half an hour.

1618. Do you believe that the appliances of moral reformation have any effect upon the class of vagrants?
No, I think not. I consider that in a great many cases with the class of vagrants, the prison is a mode of resting in their passage from place to place, more convenient and agreeable than the workhouse.

1619. Would

1619. Would it therefore be your opinion that with those classes it would be better to make the discipline more penal and more sharp, and more irksome than it is at present, and to reserve the moral reformation for the longer sentenced prisoners, and prisoners of altogether a different class?

I do not know what the other classes are.

1620. Are there any classes to whom the system of moral reformation, as it is at present applied, is valuable?

Very few indeed, I am afraid. I was going to say not 1 in 500, but I consider the moral element in the system to be nil. A man has come in once for some offence; say a farm labourer who has got drunk at a fair, and has got into some trouble through a case of drunkenness, or something of that sort; or a domestic servant who pilfers from her mistress from some little want of money at the moment to buy some finery, or some accident of that sort, comes into prison once, and the chaplain talks to them of course, and they go to church every day, and all that kind of thing; and no doubt they are comforted and supported by what the chaplain says; but I do not believe they would ever come back if there was no chaplain; they are accidental offenders, and are of a totally different class from thieves or vagrants, and all other classes of criminals. They come to prison because it is the accident of their life, just as in the case of a man hunting who breaks his collar-bone; he does not like it, but it is the accident of his life, and it is the accident of their lives, and a very disagreeable one to come to gaol, and they go through it as quietly as possible, and get over it; and it is to some of them a real rest; their lives are most exciting, and they require a certain rest, and they do not care about it

1621. Have you ever been able to follow, by means of inquiries, any of those prisoners who have made great professions of reformation whilst in prison?

Yes, I did so once, and a very great failure it was. Lord Hatherton and the Bishop of Lichfield once gave me 10 *l.* to lay out as I thought best among prisoners who I thought might be benefited by it after they had left us, if they were in want of any little assistance to set them going. And, first of all, I was not to have anything to do with the chaplain in the matter; it was a stipulation that I was to do it without any reference to him. I took a great deal of trouble about it. In the case of one man whom I had known something of before, he was employed at a poulterer's shop at Stafford, and he had gone away, and got into trouble at a fish shop at the other end of the county, and had embezzled his master's fish money. However, he was very penitent, and he had a wife, and if I would set him up he said he should do very well indeed, and that he could earn 7 *s.* or 8 *s.* a day as a dresser of poultry at a great shop at Manchester. So I took some little bother about it, and wrote to people at Manchester, and got him a place at this shop, and paid his fare over, and got him a suit of clothes, but within a fortnight he walked away with a whole basket of poultry. That was my first case; and I had not one out of 12 or 14 that did me the slightest credit.

1622. *Lord President.*] Do you think that you could make any prison discipline sufficiently deterring to prevent that class of people from committing those crimes?

Not in all cases; but there are a great many of them who lead a life of luxury and sensual indulgence who are more sensitive to suffering than persons of a higher class; they cannot bear suffering as I could, or as any of your Lordships could, and they would not bear it.

1623. Earl of *Dudley.*] Is it not a matter of calculation with them what punishment they will get for certain offences?

Yes, they know that to a nicety almost, and they know exactly the judge who is to try them, and the judges' characters are discussed by them, and they know that some are more gentle than others; and it is the same with regard to the chairmen and assistant chairmen of sessions; they prefer being tried by one rather than another.

1624. *Lord Steward.*] They could hardly know, when they commit an offence, who is to be the judge that will try them?

No, but they could tell the sort of sentence; and in the case of offences tried at sessions they know the judge who is going to try them.

1625. Earl of *Romney.*] One of the great evils attending the present system is that you give them long sentences, and then are obliged to feed them well?

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Yes, we are obliged to let down the whole discipline in the case of long sentences. If I were to carry out strict discipline; if I had the means of giving every man who is sentenced to hard labour in Stafford prison the full amount of discipline that I am empowered to do by Act of Parliament, for two years, no man alive could bear it: it would kill the strongest man in England.

1626. Without going to the full term in the case of prisoners who are in for more than twelve months and are subjected to the prison diet, the comparison as between gaols and workhouses is in favour of the gaols?

Yes; and not only that, but I think it is of great importance that the discipline should never be relaxed; that he should go out with it stinging hot.

1627. You think that if a mode of punishment were devised with shorter terms of imprisonment you might give a lower diet?

Yes; it is not that the treadwheel labour is hard work, but it is the monotony and irksomeness of it which renders it punitive. I dare say the prisoners in the Government prisons, although I have never seen one of them, do a longer and harder day's work than they do in mine; but there is a variety in the labour, and they are out of doors too, which makes it much less irksome.

1628. Do not you think that if, instead of sending men in for six months, they were sent in for three weeks or six weeks, with a low diet, such as you might give in that case, with a whipping once or twice, that would be much more deterring than the present system?

I am sure it would; that really would be deterring.

1629. Therefore it would get rid of the great difficulty with regard to feeding them too well as compared to persons in their own position in life out of doors, and it would also save a great deal of expense, would it not, in having so many persons in prison?

Yes, I think so.

1630. Earl of *Dudley*.] How long should a sentence of that description last?

Three months; you could keep a man upon a very short diet for three months, because I do not hold that it is absolutely necessary that you should send a man out with his muscles and his weight precisely the same as when he came in. He has committed an offence for which he is to be punished, and punished throughout. Of course he should not be sent out of prison to faint in the road, or anything of that sort; but I think it is a mistaken notion that he should be fed, and sent out in the open air every day with the doctor, and petted up; and if he says he cannot eat his dinner to-day, that he is to be weighed, and have a pint of milk given him. I look upon all that as nonsense. I would say, let him go without.

1631. Marquess of *Salisbury*.] Is that done in your prison?

I do not know that that is absolutely done, but the diet is varied at the prisoner's request very often.

1632. Earl of *Ducie*.] Do you think that a much severer discipline would lead to desperate attempts to resist capture?

I think not.

1633. Earl *Cathcart*.] But if you turn a man out in a weak state, how is he to earn his livelihood?

I would not do that; I am not talking of real downright weakness.

1634. Earl of *Malmesbury*.] Do you find them very much depressed, and that they lose much vital power when they first come in, from any cause?

Some few of them do, but as a rule they do not. They almost all sink a little in weight, say between 2 lbs. and 3 lbs., but that we look for.

1635. Is it not the case that most of them are addicted to drinking and accustomed to stimulating liquors before they come in?

A great many of them are.

1636. Has not the sudden stoppage of stimulants an effect upon the spirits, animal and physical, at first?

It has a certain effect, but not much; on an average they drop about 2 lbs. or 3 lbs. in weight, not more than that, and they soon pick it up again.

1637. That

1637. That depression does not last long?
No, except in some exceptional cases.

1638. Earl of *Romney*.] It may be only getting into condition?
It may be so. In Staffordshire they live perhaps higher than in any county in England out of doors. Wages are so high in the "black country" in the southern division of Staffordshire, that they indulge in the most luxurious living; and the enormous quantities of meat and strong drink that the colliers and iron people are able to consume is wonderful.

1639. *Lord Steward*.] Are the prisoners separated in the chapel of the Stafford gaol?
No, not at all.

1640. Do you think it is desirable that they should be separated?
No, I do not think it desirable that they should; we have rarely a complaint; the chapel is as open as any church can possibly be; they are all open sittings.

1641. Do you think that they never communicate?
Occasionally a man may nod to his neighbour, or something of that sort, but beyond that there is very seldom any communication, the punishment being that they shall not come to chapel, and it is such a boon to a fellow who is locked up in his cell, at any rate all Sunday alone, that it acts very powerfully to prevent their talking. I believe from what I have seen in one or two of the London prisons, where they have divisions in the chapel, and from what I have heard the officers of the prisons say, that it is much more easy to communicate in them than it is with us. We have officers all over the building cross-firing at them, and they cannot communicate.

1642. Earl of *Dudley*.] What do you think of the Government inspection of gaols, do you consider it *bonâ fide*?
Yes, I think so.

1643. Has the inspector any real power?
I do not think I can answer that question; but the inspector has suggested several improvements to the visiting justices of the Stafford gaol.

1644. If the justices please, do they not set his recommendations entirely at nought?
They sometimes please to take no notice of them at all.

1645. Do not you know other cases where they take no notice at all of the recommendations of the inspector, and where therefore the inspection is of no actual avail?
I have heard the inspector himself say so; in fact it is so stated in their own annual reports, that they go to prisons and find that things which they have suggested have not been done.

1646. If I understand rightly, you generally take your orders from the visiting justices and from the quarter sessions?
Yes, they are my masters.

1647. You do not consider yourself bound to carry out any suggestion of the Government inspector?
No, I have nothing to do with him.

1648. Earl of *Malmesbury*.] Does that answer apply to the Secretary of State's suggestions?
The Secretary of State communicates with the visiting justices, and occasionally with me, but any proposed alteration of the system, or anything of that kind, always comes to the visiting justices.

1649. But the Secretary of State does communicate with you sometimes, does he not?
Yes, but never on those matters, only on some detailed matters.

1650. Marquess of *Salisbury*.] He communicates with you, does he not, in cases of petitions?
Yes, and in matters relating to the sickness of a prisoner, and so forth.

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1651. Lord *Wodehouse*.] Do you think that it would be desirable that more power should be given to the Home Secretary with respect to the management of prisons?

I do not see that he has any power now.

1652. Do you think that it would be desirable that some power should be given to him?

Yes, I do. I think that all prisons ought to be regulated, managed and governed precisely alike, which is not the case at present.

1653. *Chairman*.] Supposing that you could obtain that uniformity by Act of Parliament, would not that answer your purpose just as well as by placing the power in the hands of the Secretary of State?

It comes to the same thing; the Secretary of State's order is equivalent to an Act of Parliament; any order that emanates from the Secretary of State is by Act of Parliament binding on the visiting justices.

1654. But are you of opinion that it would be an advantage that the Secretary of State should interpose in the administration of prisons in lieu of visiting justices or the quarter sessions?

No, I should think not.

1655. *Lord Prèsident*.] With regard to your former answer, do you consider that the order of the Secretary of State is binding?

Yes, I think it is; I think you will certainly find in the Prison Act that any order made by the Secretary of State shall be considered binding.

1656. Marquess of *Salisbury*.] There is no penalty for an infraction of the order?

No; but the Secretary of State has power to make rules for the management of gaols under the last Prison Act.

1657. *Lord President*.] I think you will find that the power that he possesses is to certify any bye-law or rule, and also with regard to the construction of a new prison, or the alteration of a prison, that must be approved of by him; but I do not think that he can issue any order which the justices are bound to obey?

The Act of Parliament says that he may approve of, alter or make additional prison rules: "It shall be lawful for such Secretary of State, if he shall think fit, to alter such rules, or to make additional rules; and he shall grant a certificate that such rules, as submitted to him, so altered or added to, are proper to be observed and enforced." There is no penalty whatever.

1658. Earl *Cathcart*.] Is there great difficulty experienced in getting at the criminal history of a prisoner when it is necessary to do so for a conviction?

Not often, I think. Most prisoners are remarkably simple in letting out their foregone arrangements, either amongst their fellows or the officers or somebody. I do not think there is much difficulty on that score.

1659. You had four cases of insanity in the year 1862, two females and two males; is not that in excess of the ordinary number?

Perhaps it is more than the average.

1660. Were there any peculiar circumstances connected with those cases?

Yes; they were all of them insane when they were admitted.

1661. *Lord President*.] Do the police visit the prison in Stafford in order to make themselves acquainted with the faces of the prisoners?

They do come in frequently, and I always allow them to go round the prison; but they are not admitted to see mere prisoners than accidentally come in their way.

1662. *Chairman*.] You stated, did you not, that in many cases there was no disinclination, on the part of many classes, to return to the prison?

Yes.

1663. Are you aware whether, in the opinion of the prisoners, as a distinction is drawn between the workhouse and the prison, so any further distinction is drawn between a county prison and a Government convict establishment?

Yes;

Yes; there is a very great distinction drawn between a county prison and a Government prison; a Government prison is infinitely preferred to a county prison, I believe, all over England; certainly in my neighbourhood I should say so.

1664. As persons in the workhouse often desire to escape from the workhouse into the prison, so a man sentenced to a county prison would desire to pass into a Government prison?

I have had many prisoners who have been sentenced to 18 months' hard labour in the county prison, who have expressed themselves to me as very much disappointed and unhappy that they did not get three years' penal servitude; because the arrangements of the labour, and so forth, I suppose, are much more agreeable to them; I have had several who have been sentenced for a less term, who would rather have had three years' imprisonment.

1665. Is it not a matter of fact, that with the generality of offenders, two years' imprisonment is considered a much more severe sentence than three years' penal servitude?

Yes, a great deal.

1666. Does the number of prisoners in your gaol increase during the winter quarter?

No, it is just the reverse; there are always fewer prisoners on Christmas-day than on any other day in the year.

1667. Is there any other information which you desire to give the Committee, on any point which has been raised before them?

I think that there are several ways in which prisons might be reduced in number; I do not know whether that is the business of the Committee at present; but I mean with regard to the supply of prisoners.

1668. The Committee would be glad of any suggestion that would bear upon prison discipline in any shape?

There are a great many prisoners who are committed to my prison, both men and women, for petty assaults, most of them very trifling indeed, and most of them from towns; they rush to the policemen while they are hot, and by the time they have caught the offenders they are sorry for it; but the policeman does not let them go very often, and they are taken before a magistrate, and then the process goes on, and they are found guilty of having committed some very small assault, and they are fined and imprisoned, or imprisoned without a fine, and to find sureties; either they have to pay some very trifling fine, or they are imprisoned for a short time, say, 14 days or three weeks, and then they have to find sureties for six months, which is frequently a very difficult thing to do; very often they have not got a friend in the world who will become bound for them, and the end of it is, that these poor wretches whose whole offence is wrangling over a smoothing iron, or a piece of washed linen over the side of a hedge, or some trifling matter of that sort, are constantly taken away from their families for months, suffering for an offence that really did not originally amount to 10 minutes' worth of imprisonment, in my idea.

1669. Are you prepared to suggest to the Committee any remedy that would meet the difficulty to which you have just referred?

I do not know of any other way of doing it, except by making whatever punishment is given, certain. If a prisoner is sent to prison for three weeks, let him be imprisoned for three weeks, but not for three weeks and to find sureties for six months. However, it is a difficult question to answer, because assaults vary so much in degree.

1670. Marquess of *Salisbury*.] Has it ever occurred to you that we should obtain more uniformity of punishment, if, after a certain period of confinement in a gaol, a prisoner should be removed to a Government prison something intermediate between a convict prison and a gaol; might not that be desirable for all parties?

It would be very agreeable for the prisoner; he would like it. Any change, I apprehend, would be agreeable to him, unless he were sent to Leicester. I believe that no prisoner in England would like to go there if he could help it.

1671. *Lord President*.] Is that on account of the prison, or of the discipline there?

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I refer to the Government convicts. We occasionally send them from our prison to Leicester. I sent some the other day, and one man told me that it was hell upon earth.

1672. Earl of *Dudley*.] It comes to this, does it not, that if there were severer punishment all over the country, there would be greater hesitation about committing offences?

I think so.

The Witness is directed to withdraw.

WILLIAM MUSSON, Esq., is called in, and examined as follows:

W. Musson, Esq.

1673. *Chairman*.] YOU are the Governor of Leicester Gaol, are you not?

I am.

1674. For how many years have you held that office?

I have been governor 20 years; but I have been connected with the prison under my father, 40 years.

1675. Would you be good enough to state what the number of cells are in the Leicester Gaol, which have been certified by the Secretary of State?

We have 212 cells that have been certified, and we have others that we use which have not been certified.

1676. Practically, the prisoners live in those cells, being taken out simply for purposes of hard labour and instruction by the chaplain?

Yes, they live in their cells, and are taken out for exercise, for employment, and for instruction by the chaplain; but those who are upon the crank labour are not taken out of the cells for labour, the cells being provided with cranks; there are 33 cranks fixed in the different cells.

1677. Do those 212 cells include those which are rented by the Government?

A greater portion of them do. Of those 212, we are now letting 140 to the Government.

1678. So that somewhat less than 100 certified cells are at the disposal of the county for county purposes?

Yes.

1679. Will you state to the Committee what the system is that you adopt with respect to hard labour?

Every prisoner sentenced to hard labour, not being a Government convict, is placed upon what we term the crank; he is there called upon to perform a certain number of revolutions per day; he commences upon eight hours a day, one hour being devoted to another kind of labour of a lighter description. After a period which is set forth in a printed form in his cell, his labour is reduced to seven hours, six hours, and so forth, depending altogether upon the length of his sentence. Some work nearly the whole time; a short sentenced prisoner will work the whole time; a man sentenced to 21 days hard labour, would work 12 days upon the crank; a man sentenced to one month would work 18 days, and a man sentenced to six weeks would work 24 days, and so on.

1680. The principle being that the earlier stages of imprisonment should be severer than the later ones.

Precisely so.

1681. Does every prisoner, whether he be a long sentenced prisoner or a short sentenced prisoner, pass through those earlier severer stages?

Yes, he does, unless he is excused by the surgeon.

1682. Is it part of your system that, in the event of misconduct or misbehaviour, of any sort, the prisoner should ever be put back to the earlier stages?

He is not put back as a prison punishment, but there is a condition attached, that if he misconducts himself after having been put to hard labour, he renders himself liable to be sent back to it again. I have here with me a notice which is always put up in the cells.

1683. Would

1683. Would you be good enough to hand that in?
Yes (delivering in the same. *Vide* Appendix).

1684. Do you practically enforce that condition?
I cannot say that we do practically enforce that condition, for this reason, that we really have not cranks sufficient. We are very glad to put men to other trades, so as to make way for those who succeed them at the cranks, because we have only 33 cranks in the prison.

1685. At present, mechanically, you have not sufficient hard labour for the prisoners?
Mechanically we have not sufficient to carry out crank labour altogether.

1686. Does the tread-wheel form part of your hard labour system?
It does not.

1687. Have you industrial occupations for the prisoners?
Yes.

1688. At what period in the sentence does the industrial occupation take place?
It commences at once.

1689. And is it concurrent with the hard labour of the crank?
Yes.

1690. With regard to the crank, would you be good enough to state how many revolutions in a day a prisoner is required to effect?
When he commences, he has 14,400 revolutions per day to work, that is to say, 1800 revolutions per hour. I am speaking now of adults. The juveniles have 12,000 revolutions per day to perform, or 1,500 revolutions per hour.

1691. Is it in the power of a prisoner to effect those revolutions either in a shorter or longer time, in proportion as he may work well or badly?
Of course, in some measure it would depend upon the industry and willingness of a man; but, as a rule, it takes him the whole time.

1692. The cranks which you have mentioned I understand to be what were commonly known by the name of the cellular hard labour crank?
Yes.

1693. They are not cranks connected with each other by means of a shaft?
They are not.

1694. Consequently, with these cranks there is an impossibility to shirk or to avoid the fair share of work?
Yes, quite so.

1695. Are those cranks erected in the cells?
The handle is placed in the cell. The crank itself is in the corridor.

1696. Is the index which registers the number of revolutions within the sight of the prisoner?
No.

1697. Have you ever found that the absence of the index, and the knowledge of how the work was progressing, has dispirited the man in the work?
No.

1698. Do you not conceive that there is an objection to the index being out of the cell?
I rather prefer it; I think it occupies their minds very frequently to check their work; I always encourage the men to keep an account themselves of their number of revolutions, and many will use a slate for that purpose.

1699. Have they any difficulty in testing their own calculation by reference to the index outside the door?
They never see the index, but they can always keep an account of their revolutions themselves within the cell.

1700. Is there a large difference between the men's calculations in general and the index?

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It is very rarely indeed that a man disputes the number, even when reported for idleness.

1701. Have you not found that there is an objection to the cellular crank on account of the vitiated atmosphere of the cell, owing to the limited space within which the prisoner works?

During the summer months it used to be warmer than I have approved of, but latterly I have had ventilators introduced into the windows, which have made very great difference, so that there is external air admitted as well as air through the ventilating apparatus.

1702. Do you prefer, as a matter of opinion, the cellular crank to the crank which is united by a common shaft?

Yes, very much.

1703. On the ground that there is no opportunity for shirking the work?

Precisely so.

1704. Are those cranks applied to unproductive labour?

They are unproductive labour.

1705. It has been stated to the Committee that one effect of unproductive labour, is to create either very great depression or great irritation and degradation of mind in the prisoners, are you of that opinion?

I have not of late years felt that curiosity about prison discipline which I used to do formerly, but some years ago it was my practice to ask every man on his discharge from prison, when he was dressed and brought into my office to be discharged, what had been the effect upon his mind, and in no one instance have I ever met with a man who could say that he had been irritated by the work of the crank; they felt it to be hard labour, and that they admitted.

1706. The Committee understand that in that way hundreds must have passed under your notice?

Yes, I should say hundreds; I had a roll of papers with me which I produced on a former occasion, when there was a very unpleasant inquiry, but since then I have given up taking any notice of the matter; it is now some years since, but up to that period I can very safely assure the Committee that in no one instance did I find such a result; but on the contrary, I believe that the great bulk of the men quite ridiculed the idea, and I may also say that there was a large proportion to whom I put the question, who stated that it had never entered into their minds to think whether it was productive or not.

1707. In your opinion, is there any preference on the part of the prisoners for one mode of employment over another?

Yes; the industrial employment, of course, they would prefer to the crank labour, as being less severe.

1708. Would the diminution of severity be the main cause of their preference?

Yes; but I think also that such work as matting and mat-making is more interesting to the mind.

1709. Would it not also be more easy for a prisoner to slight his fair amount of work in industrial occupations?

It is impossible to measure the amount of work they could do.

1710. Practically it must be labour by time rather than labour by piece?

Just so.

1711. Do you think that industrial occupation, taken as a whole piece, pays?

Yes; we are very particular in our accounts; we keep a debtor and creditor account of everything the prisoners do, and we make a balance-sheet out every quarter, that is four times a year; I have before me our clear profits of 1852; I must except the cost of officers, and the trade instructors' and the storekeeper's salary; they are not included in my account of the profits.

1712. If it included every indirect expense which is connected with industrial occupation, would there be a profit?

We should then have a small profit.

1713. Is the prisoner's food charged?

No;

No; this is simply a debtor and creditor account of trade, the account of all our receipts and all our expenditure; the fact is, we do no work even for the county that we do not charge for; we make our prison clothes and shoes; those are passed into store, and are, upon the order of the visiting magistrates, passed out of store for the use of the prisoners, and then the county is charged much the same as a tradesman would charge if the purchase were made from him.

1714. *Chairman.*] Are the Committee to understand that you believe it to be possible in the case of a short sentenced prisoner, who is committed to gaol for three months, and who is previously ignorant of any industrial trade, to make his labour remunerative to the gaol?
Certainly not.

1715. A short sentenced prisoner then must be a dead loss so far as remuneration goes?
Yes.

1716. Will you be good enough to state whether, taking into account all the expenses connected with the gaol, including the salaries of trade instructors, and including the building and the housing, and the custody of the prisoner, and his food, any profit accrues from the industrial labour of the prison?
No, there would be no profit then.

1717. What is the furniture of the cells in which the prisoners are confined?
A hammock, a mattress, a pillow, two blankets and a rug, a table, a stool, a tin for food, salt cup, spoon, a wooden fork, two hair combs, a brush, and a sweeping brush; I think that would embrace the whole.

1718. Do you allow any difference in summer and winter as to the bedding?
No, excepting that I prefer using old blankets, as being thinner, in the summer.

1719. Do the prisoners wear the prison clothing, or their own?
The convicted prisoners all wear the prison clothing.

1720. Are there any regulations as to the issue of books to the prisoners?
That is entirely under the control of the chaplain, subject of course to the visiting magistrates' approval.

1721. Is there no regulation by which the issue of those books is limited, or is it entirely optional; that is to say, is there any rule or principle by which the distribution of books by the chaplain is limited?
An exchange of books is made twice a week; I cannot say that there is any limitation as to number, it varies so much according to circumstances. If we have a man of a superior intellect or education, that man would probably have a larger number of books with him than a man of inferior mind, or a less educated man.

1722. Do you regard books as an indulgence, or do you regard them as part of the normal and ordinary business of the prison?
We consider them as quite belonging to the ordinary system of the prison.

1723. Therefore you would not be prepared to deny books to re-convicted prisoners?
Certainly I would not.

1724. You would consider them as part of the instruction?
I should.

1725. Are you aware, from your own experience, whether workhouse offences are committed in any of the neighbouring unions in order to get admittance to the prison?
Very rarely indeed; we occasionally may have a half-witted man committed to us from the workhouse under such circumstances, but they are very isolated cases. Very few are committed to us from the workhouse; we had one very recently, only six weeks or two months ago.

1726. Can you state the number of re-commitments to your gaol?
Yes; I think that that is the weakest point of our system. I have an account here

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here of committals from the commencement of the separate system and of our re-committals also. In 1845, before our separate system commenced, our committals amounted to 1,235; in 1846, when we had commenced our system, the number was reduced to 710; in 1847, 594; in 1848, 690; in 1849, 682; in 1850, 552; in 1851, 602; in 1852, 553; in 1853, 441; in 1854, 546; in 1855, 520; in 1856, 461; in 1857, 540; in 1858, 536; in 1859, 435; in 1860, 379, which is our lowest number; in 1861, 476; in 1862, 578. And our population, I may as well add, is nearly 170,000 in the county, apart from the borough.

1727. The Committee may infer from those figures that, as far as committals are concerned, there has been a very considerable diminution of late years?
Yes, more than half.

1728. Will you be good enough to state what the facts are with regard to re-committals?
In 1845 there were 251; in 1846, 165; in 1847, 158; in 1848, 156; in 1849, 153; in 1850, 138; in 1851, 153; in 1852, 149; in 1853, 111; in 1854, 137; in 1855, 125; in 1856, 112; in 1857, 131; in 1858, 139; in 1859, 104; in 1860, 118: in 1861, 122; in 1862, 162.

1729. It would appear from those figures there has been a very slight diminution in the amount of re-committals?
There has been a diminution of one-third; 251 as against 162.

1730. Are the majority of those re-committals after having been convicted once or twice, or do they run to greater lengths?
We have some run to greater lengths; generally, I think, they are once or twice convicted, but I cannot speak quite positively upon that.

1731. Do you not consider that the re-committals bear rather a larger proportion than ought to be the case were the system very deterrent to criminals?
That is a difficult question to answer. I am disposed to think that, supposing we could reduce the numbers very materially indeed, and the whole of those numbers had been committed before, it would be a proof that the gaol was deterring, because there would be no fresh committals to us; still, I admit that the number of re-committals is a point that often is rather puzzling to me; at the same time I may say that they consist chiefly of trifling offences, or such, for instance, as slight day-poaching cases. A case occurred the other day of two men, who were brothers, who had been both probably twice or three times committed before; they were committed for day-poaching, and they were ordered to be imprisoned, or to pay a fine, a very heavy fine indeed; I think the two men had to pay 12 *l.* within 1 *s.* 6 *d.*, and these men came to prison, and of course they would be numbered amongst our re-commitments; but no sooner were they in prison than one of them applied to be allowed to write to his wife, and rather than stay in prison, they both paid the money that night. Then, in addition to these, cases of assaults, and of drunkenness for which there is no hard labour, constantly recur, and such are all considered as re-committals.

1732. Therefore, the inference from your evidence would be, that, deducting the cases of drunkenness and assaults, such as you have described, and of poaching, the real re-committals to prison constitute a small number in proportion to the total?
Yes, they would be much smaller than these numbers represent.

1733. Is it your habit to communicate with prisoners on their discharge, or do you ascertain what their feelings have been with regard to the system to which they have been subjected?
Not so much of late as it used to be formerly; at one time I took very great interest in the matter; every man was brought before me, and I examined him before he left the prison.

1734. Do you believe that prisoners canvass very freely amongst themselves the merits or demerits, in their eyes, of particular prisons?
We do not know that of ourselves; we hear of it. Perhaps I could best illustrate the effect of the prison by a case which has been recently told me by a solicitor, the clerk to one of the petty sessional divisions, at our last Epiphany sessions: the circumstance occurred on the borders of Leicestershire and the adjoining

adjoining county: a man was convicted of poaching, was sentenced to be imprisoned with hard labour, or to pay a fine; he was sentenced to a neighbouring county prison, and not to Leicester, and on hearing his sentence he said, "Oh, I will serve my time in that prison; if it had been Leicester, I would have paid."

1735. *Lord Steward.*] You stated to the Committee just now, that for some years you made inquiries into the effects of prison discipline; but that for some years past you have ceased to do so. Will you tell the Committee why you ceased to do so?

There was a Commission of Inquiry sent down by the Secretary of State to investigate the conduct of the officers in the treatment of prisoners in Leicester Gaol some years ago, and it gave me such a distaste for putting myself prominently forward in any matters connected with prison discipline, that I was determined to cease to do so. It was a most unpleasant matter to us all, both to the magistrates and myself.

1736. *Chairman.*] Your opinion of the system which is pursued at Leicester is, that it is, upon the whole, deterring to the prisoners?

Yes.

1737. And that is grounded upon your own experience as governor there for so many years, and your own knowledge of the feelings of the prisoners who have been subjected to this discipline?

Yes; I have heard it myself many times from the prisoners.

1738. Are the Government convicts who occupy the 140 cells you have mentioned, subjected to the same discipline?

No, not to the crank; in all other respects the same discipline is applied to them.

1739. In the event of prison offences being committed, what are the punishments to which you have recourse?

Our more general punishment is the light cell, the prisoner being confined in his own cell, upon bread and water. Occasionally we use the dark cell, and occasionally we flog.

1740. Will you state what your experience has been with regard to corporal punishment?

There is no punishment so effective. There cannot be a question about that.

1741. Have you frequently found it necessary to repeat corporal punishment for the same offence?

No; it may, and no doubt has happened, but I do not at this moment remember a case.

1742. Earl of *Dudley.*] Once is found to be quite sufficient, is it not?

Yes, as a rule, it is. We have occasionally had desperate men, who have told the magistrates that they did not care about flogging, and have set us all at defiance. Our rule in flogging is, to put a leather collar round the man's neck, so as to prevent the whip catching him there. I have said to the officer flogging him, "You must flog the man in one place, keep the whip in one place, because the magistrates have determined to flog him again if he commits himself;" and the man has never been flogged again after that. One punishment has always proved effective. I had one man amongst the Government convicts, a ticket-of-leave man, and a most insubordinate man. He smashed everything in his cell. I do not know how many times he has been before the visiting magistrates for misconduct, and a short time ago he was flogged. The magistrates said it was impossible for them to overlook the matter; he had three dozen; and he has never been reported since. The following case approached very closely to a second punishment. A boy about a fortnight since, was determined not to work at the crank. He and his brother had been with us, at different times, ever since almost infants. He was birched, and after he was birched he was idle for two days; I said to him, "The magistrates will not allow you to continue in idleness; they will flog you on your back the next time. He was subdued at once, and he did his work after that. He went down to the magistrates a few days ago, and told them that if they would allow his misconduct to be looked over, he would always do his work in future; and he has done so.

1743. That was simply from the fear of being flogged on the back?

Yes.

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1744. *Chairman.*] Do you believe that with those two classes, juvenile offenders, and men who have been frequently re-convicted, and are of a very hardened character, flogging is the punishment which is most effective?
I do.

1745. In fact your evidence would show that it is almost invariably deterring?
Yes, and that is also the opinion of our visiting justices, for the matter has been discussed by them, and one, if not more, has said that he never remembered an instance of flogging being repeated.

1746. Are not some of your prisoners locked up in their cells?
They are in their cells the whole day, excepting when they are taken out to chapel, to exercise, &c. They rise at six in the morning in the summer and winter, and retire to rest at 10.

1747. Eight hours being the allowance of sleep?
Yes.

1748. Is that, in your opinion, sufficient?
Quite.

1749. Have you never had any complaints to the insufficiency of it?
No.

1750. On what do they sleep?
They have a hammock, a mattress, two blankets and a rug.

1751. Do you have recourse, in any instance, to the guard-bed, a simple board?
No, excepting in the refractory cells.

1752. Earl of *Dudley.*] In winter how is the time from dark to 10 o'clock filled up?
The county prisoners work until 9 o'clock, and then are allowed one hour to read.

1753. I understand you to say distinctly that even in the case of those performing hard labour a certain amount of industrial work is done besides the teaching?
Yes.

1754. Is the teaching voluntary or compulsory?
Their attendance at school is voluntary; but the crank is a species of labour which makes them all volunteer for school; I never had a case to the contrary.

1755. Does every man who comes into your gaol more or less learn then while he is there according to his capacity?
We endeavour to teach him.

1756. Lord *Wodehouse.*] Are prisoners who are in for very short terms, such as a week or ten days, employed in industrial labour?
No, they are not, beyond one hour per day.

1757. *Lord President.*] You have given the Committee one instance, and we have heard from another witness that the reputation of Leicester Gaol has a deterring effect; can you give the Committee any reason why you think it is more deterring than some other prisons?
I think that our system of discipline is very strict; we never allow the separate system to be broken through on any consideration; the prisoners are in separate cells; they are exercised in separate yards, and they have separate stalls at chapel; and I may say that when they are taken up to be tried in court, they go in separate partitions in the waggon, and are arraigned separately.

1758. Earl of *Dudley.*] Is not the separation relaxed when they are with the schoolmaster in class?
No, they are separated then.

1759. Do they not sit at the same table?
No; they are in the chapel in separate stalls; we use the chapel as a schoolroom.

1760. *Lord President.*] Do you think that the principal element of deterring them is the completeness of the separate system?

I think that the separate system conjoined with the hard labour is a very powerful element.

1761. Do you consider your hard labour harder than is usually the case in other prisons?

I believe that the crank labour has been discountenanced so entirely, that it is scarcely practised in any prison in England. It may be in use at Northampton, but I am not certain of that. The prison inspectors have set their faces against it entirely as an irritating and useless labour.

1762. Earl of *Dudley.*] Does your experience as a governor confirm that?

Certainly not. The inspectors and I do not agree upon that point. We have had very long arguments upon the subject, but I am satisfied their theory is unsound.

1763. *Lord President.*] Do you think it superior to the treadwheel?

I ought not to say so, as I have had no experience with the treadwheel. I think the treadwheel is difficult to equalize, and that if you put four men upon the treadwheel, the labour will be unequal.

1764. Earl of *Dudley.*] Is not the treadwheel the only compulsory labour, and cannot a man shirk his work more when he uses the crank?

Not unless he is determined to be punished.

1765. But he can take more or less time about it, can he not?

No; he is made to do his work in a given time.

1766. And that is hard labour if done in a given time?

Yes.

1767. Earl *Cathcart.*] Do you separate the women as well as the men?

Yes.

1768. With regard to the washing, how is that managed?

They have separate washhouses.

1769. Earl of *Romney.*] You mean one house with different compartments?

Yes.

1770. Lord *Wodehouse.*] Are they washing cells?

Yes, they are of wood; and the women are all separated the same as they would be in their cells, only in smaller compartments.

1771. *Chairman.*] Do you carry out the system of separation at chapel?

Yes.

1772. Is every prisoner in chapel separated from his fellow prisoners by means of compartments?

He is.

1773. Has that arrangement, in your opinion, been attended with advantage?

Yes.

1774. Are you of opinion that if those separations were removed, any evil would result either in the way of communication passing between prisoner and prisoner, or otherwise?

I am of that opinion certainly.

1775. Do you find that, practically speaking, much communication passes now?

No.

1776. Are the separations painted?

Yes.

1777. How many officers are on guard in chapel?

Seven or eight usually; but the numbers vary a little, according to their duties.

1778. Are you aware whether the chaplain of your gaol prefers the prisoners to be in compartments, or would he wish to see the compartments removed?

He was very anxious to convert the chapel into a church, as many chaplains have done; and some short time ago he spoke to the visiting justices again, recommending an alteration. I then said I should like to have the thing settled one way or the other, because I was not at all pleased with the pendulum kind of work

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about it. He then wrote to some chaplains to inquire as to how it had answered, and I believe the answer he received from one chaplain, where the stalls had been discontinued, so satisfied him that it would be an injudicious change, that he withdrew his representations from the magistrates, and now is quite satisfied that the stalls are preferable to an open chapel.

1779. From your experience of the matter, you would, so far as you are concerned, refuse your acquiescence to any abolition of compartments?
Most decidedly; if there is any attempt at communication I can know what that communication is; I would venture to say that if I were at home this day, supposing any communication had taken place, an officer would be almost sure to report the men when they came out of chapel, and would tell me every word they had said. It has occurred over and over again that an officer has reported a man for talking, and when the man has denied it, I have said to the officer, "You are quite clear that you are not mistaken; tell me what he said;" and he has told me in the presence of the prisoner.

1780. Do the women attend chapel at the same time as the men?
Yes.

1781. In the event of sudden illness or fainting, how are the prisoners, whether male or female, removed?
We move them out of the stalls as quietly as possible.

1782. Have you ever found any practical inconvenience to result from their removal?
There is a little interruption to the service, but the inconvenience is so trifling, that I do not think it worth a thought.

1783. Earl of *Dudley*.] They do not take to fainting as a feint, do they?
No, I think not; it may be so occasionally; but it is very rare.

1784. Marquess of *Salisbury*.] Is the fainting a matter of frequent occurrence?
No, very rare indeed.

1785. *Chairman*.] In your opinion the advantage of separation far outweighs any inconveniences which may result from it?
Yes, I think so.

1786. Lord *Wodehouse*.] Do you ever find that prisoners when confined for long periods in separate cells suffer at all mentally from the separation?
There are a great variety of minds, and it does not influence all alike.

1787. Do you think that they suffer more than it is desirable that they should suffer?
I should say, as a rule, that they do not.

1788. Do you find it so in exceptional cases?
We have a few exceptional cases, but I am afraid that some of them I could not speak very positively about; I am in very considerable doubt whether there is not simulation; the notion that separation produces insanity has been made so public, that all prisoners are aware of it.

1789. What is the longest period for which county prisoners are confined?
Two years.

1790. Do you ever find that women when confined as long as two years in separate cells suffer mentally more than is desirable?
I could not, speaking from recollection, say that a woman did ever pass two years in my prison; but certainly no woman ever suffered from long confinement in a cell; I think the longest period that a woman passed with us was in the case of a very incorrigible woman who was sent us from the borough by the Secretary of State, and certainly her mind was not affected.

1791. In that case, was the confinement for a year and a half?
I should think it would be.

1792. Earl *Cathcart*.] On the occasion of a suicide by hanging in 1862, there was a verdict of temporary insanity returned; what did that occur from?
The suicide was in 1861. The prisoner was committed for trial, had been three weeks in confinement, and committed suicide, as it was believed, because his friends would not bail him out of prison.

1793. Lord

1793. Lord *Wodehouse.*] You stated, did you not, that you had not crank labour enough for all the prisoners who are sentenced to hard labour?
We have at times more than 33 who have not finished the crank; therefore some must wait until others are worked off.

1794. Do you not think it is essential that there should be a sufficiency of hard labour, either by means of the crank or the treadwheel, for all the prisoners who are so sentenced?
Yes; in all cases I should advocate the carrying out of the sentence of hard labour.

1795. You employ the prisoners a part of their time in industrial labour; how do you regulate the time during which the prisoners shall be employed on the crank as compared with their being employed in industrial labour?
I can hardly tell how it first arose; I believe I had the arranging of it.

1796. I mean, what is the principle upon which prisoners are divided into classes or otherwise, so that some are employed in one way and some in other ways?
Every man works at the crank before he becomes entitled, as it were, to what is called industrial labour.

1797. Then is he given industrial labour as an indulgence?
We cannot carry the crank labour out entirely, because we have not a sufficient number of cranks for it, and therefore we are obliged to resort to some other mode of labour.

1798. Earl of *Dudley.*] But you have the wheel, have you not?
No, we have no wheel.

1799. Lord *Wodehouse.*] Supposing you had crank labour enough for all the prisoners who are sentenced to hard labour, would it, in your opinion, be desirable that they should be employed as an indulgence part of their time in industrial labour, or would you keep them entirely to the crank?
I should not recommend their being kept at the crank up to the close of their sentence if it were a long sentence; but if it were a short sentence I should prefer their being kept at the crank the whole time.

1800. Viscount *Eversley.*] Can you regulate the pressure upon the crank?
Yes.

1801. Do you attend to that yourself?
Of late I have not done so. Since the inquiry to which I have alluded I have given it up. I take care that there is no complaint made upon the part of the prisoners, because if a prisoner at all intimates to me that the crank is heavier than it ought to be, I feel it myself, and satisfy myself as to whether it is so or not.

1802. *Chairman.*] With whom does the regulation of the crank rest?
With the warder who has the charge of the ward.

1803. How many principal warders are there?
It would not be the principal warder who would attend to this. One ward does not contain the whole of the cranks. There are 28 in one ward, and five in another; so that one warder would have 28 cranks under his charge, and the other five.

1804. Is there not, under such circumstances, a risk either of negligence or partiality if the regulation of the cranks be entrusted to a warder?
I do not think there is where the prison is carefully supervised; the warders require looking after as well as the prisoners.

1805. *Lord Steward.*] Does the warder regulate the crank according to the supposed bodily strength of the prisoner?
We used to be very careful about that, but of late we have not been so particular. We do it to a certain extent, but not to the extent that we used to do, because I used formerly to try the weight of every crank myself. I have not done so recently; indeed, the inspectors have said so much against the crank that it has quite cooled my ardour in the matter.

1806. *Chairman.*] Are the Committee to understand you that, whatever the length of a sentence which may be passed upon a prisoner, during some portion, at all events, of his imprisonment, the crank is always in operation?
Yes.

1807. And that a prisoner never can be entirely free from hard labour at the crank during his stay in prison?
Not unless upon the report of the medical officer.

1808. Have you any means of following the characters and conduct of those prisoners who have professed themselves to be reformed whilst they have been in prison?
No, I cannot say that we have.

1809. Do you believe that the majority of prisoners are permanently benefited by the moral instruction and reformatory system of the prison?
I think many are benefited.

1810. To what extent do you allow the instruction of the chaplain and schoolmaster to come in with regard to the hours of labour?
The county prisoners at this time have five hours' instruction per week. The school is not under my control at all; that is quite apart from my duty; it is settled between the magistrates and the chaplain. They have five hours per week in school, and those who can write are allowed a certain time per week in their cells to write.

1811. Earl of *Dudley.*] To write letters to their friends?
They are entitled to write a letter every three months, but that we do not consider a part of their instruction. I mean that they are allowed to write in copy-books, under the instruction of the schoolmaster.

1812. If I remember your figures rightly, the average number of prisoners in your gaol is a little over 500?
About that.

1813. And 33 cranks comprise the whole of the forced labour that you have in your prison?
Yes, the whole.

1814. Are you speaking now of the county gaol?
Yes.

1815. You have a second gaol at Leicester, have you not?
There is a gaol for the borough, not a second county gaol.

1816. *Chairman.*] Have you any means in your system of giving either encouragement or reward to those prisoners who conduct themselves well whilst they are in prison?
No.

1817. Are there no classes with superior advantages attached to them to which it is possible to promote well-conducted prisoners?
No, we do nothing of that kind in our prison.

1818. Do you not conceive that that might be an advantage?
I am not very fond of giving an opinion upon matters which I have not some practical knowledge about; I cannot speak with practical knowledge upon this point. It might be an advantage, but there would be very few in number, I apprehend, who would come under that category.

1819. From your point of view it would probably be difficult to find people of good conduct?
It would be exceedingly difficult thoroughly to satisfy myself that a man was a reformed man. A man may be a very good prisoner, as many of the old ones are, and yet not be reformed.

1820. Lord *Wodehouse.*] Would you see any objection to make a man's employment or industrial labour dependent upon his behaving himself well in gaol?
No; I think that would be desirable, and that is what we contemplated when the

the rule was drawn up; but we are not altogether in a position to do it because of our limited number of cranks.

1821. But you think it would be desirable as a system?
Yes, I think so.

1822. *Chairman.*] Speaking, therefore, generally, you would be in favour of the reduction of hard labour within certain limits, and the substitution for that hard labour of some lighter and easier labour as a reward for good conduct.
I can see no objection to that; indeed, speaking of long sentences, I should object to the crank being used the whole time.

1823. Lord *Wodehouse.*] You are now speaking of long sentences; but you stated before, did you not, that for very short sentences you would employ crank labour entirely?
Yes.

1824. Earl of *Dudley.*] Where does a long sentence begin according to your notion; is it after a year?
Earlier than that; I think a six months' sentence a long sentence if it is to be carried out.

1825. *Chairman.*] I presume that there are a certain class of prisoners, such as receivers of stolen goods, trained thieves, men re-convicted very frequently, and the whole class of vagrants with whom educational teaching and moral instruction is almost valueless?
Of receivers of stolen goods and trained thieves, we know very little; the vagrants, I am happy to say, we have nearly got rid of altogether; Leicester gaol used to be a red letter gaol, it is a black one now.

1826. At any time within your memory, was the gaol of Leicester resorted to for the winter months?
Yes.

1827. Has that ceased?
Quite so.

1828. Used offences to be committed in workhouses, for the purpose of gaining admittance to the prison?
I think that has been done, but I can speak more of the class of vagrants committing offences; occasionally they do commit offences; but those who do commit such offences do not know what Leicester gaol is.

1829. Generally speaking, there has been a falling off in the re-committals of county offenders of that class to the gaol at Leicester, has there not?
Yes, I believe there has; we have very few cases of committals for workhouse offences; and of trained thieves we know very little in our county.

1830. Earl of *Ducie.*] Is it the strictness of their separation in your gaol, that makes it so deterrent?
I think it is.

1831. Solely that?
I would not say solely that; but that combined with our crank system.

1832. Do you think it is that which keeps vagrants out?
Yes.

1833. Earl of *Malmesbury.*] Is their diet less good than in other gaols?
Our diet is the official diet, the same as in other prisons.

1834. *Lord Steward.*] What is your opinion with regard to the sufficiency, or the more than sufficiency, of the diet?
I do not think I have any fault to find with the diet.

1835. Earl of *Dudley.*] If you were absolute in the matter, would you reduce it?
I should hesitate very much about reducing the diet.

1836. What do you mean by a Government convict, contradistinguished from an ordinary convict?
He is a convict under sentence of penal servitude, who is sent to us by the Government.

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1837. From the moment a sentence of penal servitude is passed upon a prisoner, he is considered to be a Government convict?

Not our own convicts; our own are removed to other prisons, and other Government convicts are sent to us from other prisons.

1838. *Lord President.*] Would you have any objection to state upon what subject you and the inspectors have such very different opinions?

The inspectors have been very anxious to remove the separate stalls in the chapel, and also to do away with the crank labour.

1839. And to substitute the wheel for it?

I do not know that; they want a different kind of labour, profitable labour, such as trades to be carried on in prison.

1840. And to do away with forced labour altogether?

To do away with hard labour.

1841. Earl of *Dudley.*] The Committee have been told that a long day's work as industrial labour is hard labour; in your opinion is that so?

I should say it is not.

1842. It is impossible to enforce it, is it not, if the prisoner will not do it?

You cannot do it. I recollect a most extraordinary instance which occurred when we picked oakum. The oakum was paid out; every man had his allotted task. I cannot give the exact amount, but we had a youth in the prison who had been picking oakum during his full sentence, perhaps a fortnight or three weeks, and we thought we had given him enough to do, but to show us how much we were out in our calculation, the last day, for his own amusement, I think he picked three times the allotted quantity.

1843. Lord *Wodehouse.*] I understand then that you do not consider industrial labour as penal labour?

It is scarcely penal labour.

1844. *Lord President.*] Is there any other difference of opinion upon any other subject between you and the inspectors?

No, they always give us credit for good management, but upon those two points there has been a difference of opinion between us.

1845. Earl of *Romney.*] One of those points, being about the most essential point in the management of a prison, namely, the question of hard labour or not hard labour?

That is one point, and the separation of the prisoners in the chapel is another very material point.

1846. *Chairman.*] Under what circumstances are extra diets issued?

It is a very rare instance indeed that we increase the diet; an alteration in the diet for invalids is not uncommon, but an increase of diet is exceedingly rare.

1847. Is that increase of diet given at the sole discretion of the surgeon, or is it with your concurrence?

It rests with the surgeon, I never interfere with it.

1848. Does he state that increase upon some permanent record?

Yes, in his journal.

1849. Are the prisoners who thus become entitled to this extra or to this altered allowance of food upon the sick list, or in the infirmary, or are they prisoners supposed to be doing ordinary work?

They are upon the sick list; they may be in the infirmary or in their own cells.

1850. Have you a stage which is intermediate to the infirmary?

That is entirely under the supervision and control of the surgeon; if he has a case which he thinks is necessary to be removed to the infirmary, he orders the man or woman to be removed there. We have a man at this time, and a woman also, in the infirmary, and we have other cases which the surgeon does not think necessary to remove out of their own cells, but treats them in their cells.

1851. Does it ever happen that a man is working his full time at the crank, and at the same time is in receipt of an extra allowance?

No, I have no recollection of any such case.

1852. In all matters of labour and diet the surgeon is absolute, is he not?
He has a veto upon the labour, and of course the diet is entirely under his control. The magistrates also have the power of increasing the diet if they please.

1853. In the general every-day government of a prison, in deciding whether a prisoner shall have more or less hard labour, or more or less diet, the surgeon is absolute.
He cannot increase the amount of hard labour, but he can reduce it; and he can increase the amount of food.

1854. Marquess of *Salisbury*.] Which do you think the most effective, a short sentence severely inflicted, or a long sentence with less severity?
That would be very difficult to answer. I think a short severe sentence for a young beginner or a boy, or for a man who has never been in prison before, might probably be more effective than a long sentence; but I would not say that a short sentence would be more effective than a long one for a man who had been imprisoned before. I should doubt it exceedingly.

1855. In case of re-committal, you would prefer a long sentence?
Yes, I should.

1856. Earl of *Malmesbury*.] I think that the question of the Noble Marquess referred to a long and comparatively easy sentence?
Precisely so. But your Lordship must remember that we have our system of separation strictly carried out all through.

1857. Would a short and sharp sentence be more effective than a long one with less of hard labour?
I think in many cases that it would.

1858. Marquess of *Salisbury*.] You have stated, have you not, that a sentence of hard labour cannot be carried out for the full period of a long sentence—say 18 months, or two years?
Just so.

1859. Earl *Cathcart*.] The inspector reports that you have had a great deal of diarrhœa in your prison. Do you attribute that to any particular cause?
Yes. The diarrhœa was confined chiefly to the Government convicts, and I attributed it, and suggested to the medical inspector, that it arose from the richness of their food; this was also the opinion of the surgeon, and in consequence of that, the ox-head cheeks were withheld from the soup, and the men's health improved. We have no diarrhœa to speak of amongst the prisoners working at crank labour.

1860. *Chairman*.] Do you believe that prisoners entertain a preference for Government convict establishments over your own gaol?
Yes.

1861. Earl of *Dudley*.] Then they would prefer a sentence of three years, involving penal servitude, to 18 months' imprisonment with hard labour?
I should say decidedly that a sentence of three years' penal servitude is less in amount than a sentence of 18 months or two years with hard labour. I think many men would prefer penal servitude for three years to 18 months in gaol.

1862. It would appear from what you have stated, that in 1862 the number of committals to your gaol rose again. Can you give any reason for that?
No, I do not know that I can; it seemed to be almost simultaneous and universal throughout England. It is a very difficult thing to form an opinion upon the cause of the sudden increase or decrease of crime.

1863. *Chairman*.] You have probably become aware that in many courts of law there is a difficulty in identifying prisoners, in order to prove their previous convictions?
Yes.

1864. Have you ever turned your mind to that subject, or have you ever

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contemplated any scheme by which it would be easier than it is at present to identify them?
I cannot say that I have.

1865. Earl of *Dudley.*] There is no difficulty if the officers will do their work properly; has not the difficulty arisen from quite another cause?
The bad pay, I believe, has been the great check.

1866. There is no difficulty in regard to the recognition of a man who has ever been in prison?
Our officers have no difficulty; they always identify a man when necessary.

1867. When prisoners are not identified in that way as having been previously convicted, is it not simply because the officers, for some reason or other, do not appear against them?
I cannot speak from any personal experience, but I have understood that the allowance that the officers get is so very bad, that there is an objection to identify them.

1868. *Lord Steward.*] Does your experience coincide with that of another witness before the Committee, that the prisoners are generally very communicative with the officers and with each other as to their antecedents?
I could not say that we have no communication of any kind; but we do not allow the officers to communicate with them.

1869. Lord *Wodehouse.*] The chaplain and the schoolmaster would of course have an opportunity of communicating with them?
Yes; they would have more opportunity than any other person.

1870. Do you find that they communicate with the chaplain, so as to enable you to know whether they have been committed before?
I am afraid that a great many of their histories are not to be relied upon.

1871. *Chairman.*] How are the cells warmed and lighted?
They are heated by hot air, on what is called Haydon's principle; the building was erected under the superintendence of Sir Joshua Jebb, and the cells are lighted with gas.

1872. Earl of *Dudley.*] Are they entirely ventilated by the ventilating apparatus, or can they open the windows?
They are ventilated from the corridor, and the prisoners can open the outer window in addition.

1873. *Chairman.*] Do you think it an advantage that the prisoner should himself have an opportunity of opening the window?
Yes, I think there is an advantage in that.

1874. Does not that sometimes facilitate communications between the prisoners?
No, not with us; our windows are constructed upon such a principle that it is impossible for them to communicate, and that is saying a great deal too, because they will communicate almost under any circumstances.

1875. Do you believe that, on the whole, communications do not pass in the gaol at Leicester?
They are very limited; that they do pass communications we know, because we detect them; but they are very limited.

1876. Does punishment always follow upon communication?
Yes, as a rule; I do not mean to say that no one ever escapes punishment, but punishment follows generally.

1877. Is there any suggestion that you would wish to make to the Committee, or any information that you think would be useful to their Lordships, on the points that we have been discussing?
I cannot say that there is.

1878. *Lord Steward.*] Are you so well satisfied with the effect of the crank that you do not wish to try the experiment of the treadwheel?

I should

I should have no objection to the treadwheel if it were to be proposed by the magistrates of the county; but I very much doubt whether you could equalise the labour on the treadwheel, because assuming that any four individuals were upon the treadwheel, I do not think they would find the labour equal; I think that one would suffer very much more than another from it.

1879. Marquess of *Salisbury.*] I think you have stated that you know nothing about the shot-drill?
No, I do not.

1880. Earl of *Dudley.*] Have you, in the course of your experience, had any knowledge of the treadwheel?
Never any.

1881. *Chairman.*] Have you ever tried stone breaking as a punishment?
No.

1882. Would you be of opinion that stone breaking was an advantageous punishment?
I cannot give an opinion upon that; I think it is a species of labour that would introduce a relaxation of discipline into a prison almost inevitably, because you would have to move your men backwards and forwards to and from their labour, and I do not know whether you would get that close supervision that you ought to have without a large number of officers.

1883. In proportion as you change the men from one part of the prison to another, the facility for communication increases, and the difficulty of maintaining order also increases?
Yes, I think so.

1884. Earl of *Dudley.*] Do not you consider that your number of cranks is far too few, considering the number of prisoners you generally have?
We could employ more undoubtedly, but then the question arises as to whether we ought to have them at all, because the inspectors say we ought not.

1885. But speaking now, from your point of view, and feeling that forced labour is an absolute necessity, if we pass a sentence of hard labour, which means either the wheel or the crank, is not the amount of crank labour in your prison far under what would be necessary for such a number as 500 prisoners?
Yes, but 500 is the whole number, not the average number; our average number is very much below that.

1886. What is your average number in the prison at a time?
Our average number of county prisoners for the last four years was 196, 175, 162, 181.

1887. Inasmuch as a very large proportion of those are sentenced to hard labour, are not 33 cranks far below what you require?
Yes, I say that they are.

1888. And you are obliged to take men off to make room for others?
Yes, and to delay one sentence of hard labour until another has passed through it.

1889. Consequently, the same crank is obliged to be used on the same day by many prisoners?
Not on the same day. The man is in his own cell with the crank; and he has to finish his labour before he is moved out of the cell.

1890. As long as there are 33 prisoners in possession of the cells with the cranks, no other prisoner can go on to hard labour?
Just so; it sometimes happens that we have spare cranks. Some of the prisoners are undergoing the remaining portion of their sentence, and they have passed their crank labour; so that we have spare cranks.

1891. Are you not necessarily obliged to shorten the time of the crank labour very much, in order to allow others to come on to that labour?
No, not often. We may have done it occasionally. We postpone the labour of one man until another has gone through it.

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1892. *Chairman.*] Will you be so good as to put in a return of the scale of the hard labour punishment which you have described to the Committee?

I will do so. *The same is delivered in.* (*Vide Appendix.*)

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, One o'clock.

Die Martis, 24° Martii 1863.

LORDS PRESENT:

Duke of MARLBOROUGH.	Earl CATHCART.
Marquess of SALISBURY.	Earl DUCIE.
LORD STEWARD.	Viscount EVERSLEY.
Earl of CARNARVON.	Lord WODEHOUSE.
Earl of MALMESBURY.	Lord LYVEDEN.
Earl ROMNEY.	

THE EARL OF CARNARVON in the Chair.

HERBERT POULTON VOULES, Esq., is called in, and examined as follows:

1893. *Chairman.*] YOU are inspector of prisons for the northern and midland districts, are you not?

For the northern district.

1894. There has been a change made in the practice since the death of Sir John Kincaid?

The whole of Great Britain has been divided into two districts; it was in three.

1895. Do you take the whole of that which formerly belonged to Sir John Kincaid's inspection?

The whole of it.

1896. Can you very briefly state to the Committee what counties are included in your district?

I would simply state that I take Northampton and everything north of that place, including the Isle of Skye, the Orkneys, and the Shetlands.

1897. How many prisons are there within your inspection?

I have 47 English prisons, the prisons in Scotland, large and small, are altogether 72; but many of them are lock-ups, rather than prisons.

1898. How many visits do you pay in the course of the year?

I make it a rule to visit every prison once a year; some prisons I visit oftener, according as any special question arises, or if I apprehend that there is anything going on wrong, I visit it a second or a third time during the year. But perhaps the Committee will allow me to state, that this year I think there were four or five prisons, including those in the Isle of Skye and the Isle of Lewis, that I did not visit.

1899. Do you consider that the terms of the Act of Parliament, under which you act, are so far obligatory upon you, that they require one visit in every 12 months?

If I remember rightly, the terms of the Act are, that we shall visit from time to time; it does not specify once in every year.

1900. What are the causes in general of an extra visit to any prison?

It may be to investigate any complaints that may arise. I have within the last week received a letter from a prisoner in Manchester gaol, making a complaint of his treatment. I forwarded it to the visiting justices, stating that I should not be able to go down for the next 10 days, as I did not know when

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my presence here might cease to be required. In ordinary cases I should have visited that prison to investigate the complaint.

1901. Do you give notice of your arrival?
Never, unless it is desirable for any special purpose to meet the visiting justices; then, of course, I must write to request them to be kind enough to meet me.

1902. Your visits are not at stated times in the year?
No, not at stated times.

1903. How large a portion of the year does the actual visiting and inspection consume?
I live in my district, and divide the travelling as much as possible. I go out more frequently in the summer; but my visits of inspection extend throughout the year. In winter I am out, say, once a week probably, whereas in the summer I may be out on an average three days in the week. I have lately had occasion to look into that, and I think it was 142 days that I was out last year, engaged in inspection.

1904. How do you proceed in drawing up your report; do you draw your report at the time whilst the visit is immediately fresh in your memory, or do you take notes, and subsequently compile your report from them?
I make notes for my report; it would be impossible to draw up the annual report until I receive certain returns at the close of the year as to the whole number of prisoners. You cannot draw an average as to re-commitments, and so on, until the returns are made up in each prison at the end of the year.

1905, In that case the report is framed at some time subsequent to the visit, is it not?
That is the case with regard to the statistical portion of the report; but the observations and the remarks upon the discipline are made at the time of my visit.

1906. Is it your practice to leave any record of your comments in the prison?
It is not.

1907. Is it your practice to hold any communication with the visiting justices?
I communicate with them if I see any cause for doing so. My practice has been perhaps different from that of some other inspectors, inasmuch as I have generally conferred with the visiting justices instead of making a report direct to the Home Office, although I believe that in doing so I am not acting in strict accordance with the directions to the inspectors; but I have found that I get more done by doing so than by simply making an official report.

1908. Do you not, in fact, think that even carrying that process one step further, if your report were to be laid before the court of quarter sessions, it would be productive of very great advantage?
I think generally the justices dislike any complaint or any observation laid before them in print. They receive with a much better grace a letter coming from myself as conferring with them.

1909. Have you found that your communications with the visiting justices have led in general to the correction of any evil or abuse which you have pointed out, or to any change which you have thought desirable?
When I have communicated directly with the visiting justices I have found generally that they are disposed to carry out any improvement that I may suggest; that is more especially the case in the counties. In the borough gaols it is different, because the magistrates there have not the same power. The town council alone controlling the expenditure, the magistrates cannot enforce any order which would render an outlay of money necessary.

1910. Are your communications with the visiting justices in general verbal or written?
Our communications are generally verbal. They sometimes ask me to put the matter in writing, in order that they may lay it before their colleagues; but

but I seldom meet a visiting justice in a gaol, unless I write beforehand to him; there must necessarily, therefore, be written communications also.

1911. From whom do you anticipate that objections would arise if your report were laid before the quarter sessions; from the visiting justices, or from the magistrates generally?

I think that it places the inspector at issue with the magistrates, and I do not think it is well received if made as a complaint, however well founded that complaint may be.

1912. Practically, does the complaint ever come to the knowledge of the magistracy?

If I make a special report to the Secretary of State, the practice is to send down that report, for the magistrates to report upon it.

1913. Duke of *Marlborough.*] Then, in fact, it is your opinion, is it not, that a report to be presented to the quarter sessions would be better received by the magistrates in quarter sessions, if it came from the Secretary of State, rather than from you?

Not if it should appear as a special report or complaint by the inspector; I communicate with the visiting justices, not with the quarter sessions; I have no power to do so; and the visiting justices lay my letter before the quarter sessions, recommending any suggestion of mine or not, as they may think fit.

1914. The noble Chairman put a question to you as to whether you thought that there would be any objection on the part of the justices to receive a report from you in quarter sessions; did I rightly understand you to refer in your answer to that question to any special report as regards any complaint made in a gaol, or to the general usual report of your annual visit?

I have no authority to make a special report to the quarter sessions: I only write a letter, making suggestions to the visiting justices; I have no authority whatever to address the quarter sessions.

1915. Did I rightly understand you to state that you considered it might not be well received by the magistrates in quarter sessions, if your report was made to them?

Yes; for it could only appear before them as a special report to the Secretary of State.

1916. Earl *Cathcart.*] Are you acquainted with the system adopted by the Lunacy Commissioners in their inspections?

I know so little of it that I would not venture to say that I am acquainted with it.

1917. *Chairman.*] In 1850 it was not the practice for an inspector of prisons to see the criminal returns of his district previous to the compilation of his report. Is that the case now?

I do not receive any returns except those which I obtain from the prison itself. The statistical returns are not issued until probably the same time as the inspector's report.

1918. Have you ever considered whether it would be an improvement on the present system if you were to exchange the visitation of your district alternately with another inspector?

I think, on the contrary, it is desirable that we should know as much as possible of the prison, and of the prison officers, and of the population. I think that there is a great advantage in knowing something of the people.

1919. Is there not, on the other hand, some advantage in bringing a fresh mind very often to bear upon the details which have grown familiar, and which possibly receive less consideration in consequence?

The inspectors frequently meet, and talk over any point that arises. I have now only one colleague, and I talk over with him any question upon which I entertain a doubt.

1920. I presume, from what you have stated that it is your opinion that two inspectors are sufficient to discharge all the work that has to be done in England?

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I undertook to do it, feeling that I could visit the prisons as required by the Act of Parliament.

1921. Do not very great discrepancies exist, both in the system and in the construction of prisons?

All new prisons are now built on the separate system.

1922. But are there not many prisons within your district in which the systems vary?

I have several in my district in which they have only a limited number of cells certified for separate confinement, and some of those are certified for limited periods, such as one month or three months.

1923. Does not association prevail in a great many prisons?

In several of the prisons. I have a return here which shows, for instance, that in Chester City Gaol there are only 28 separate cells; at Derby they are all associated, but with separate sleeping cells; at Kirkdale there are only 162 separate cells; at Liverpool and Manchester they are all separate; at Preston there are only 168 separate cells; and at Salford New Bailey there are 101 separate cells, the daily average number in Salford, for instance, being 491, so that there are a large number in association. They are now building a new gaol upon the separate system, at Salford; at Preston they are building a new wing upon the separate system, and at Kirkdale two new wings.

1924. In the Welsh gaols which fall under your notice, is the separate system generally prevailing?

Wales is not now in my district, but it was so until Sir John Kincaid's death last year; there was only one prison in the whole of my district in Wales in which they had any separate cells, that exception was in Merionethshire, at Dolgelly.

1925. In all the others it was the system of association under different conditions?

Yes, it was the system of association.

1926. Since you have been an inspector, has the separate system increased considerably?

Very largely.

1927. Do you think that on the part of the magistrates there is a favourable view entertained of its working?

Yes, I can now mention that from the county of Lancashire alone I have received plans within the last week for building one new wing at Preston, and two new wings at Kirkdale; and I find it generally the case that wherever the separate system has been tried they strive as soon as possible to have the whole of the prison on the separate system.

1928. Do you believe that the separate system is the best form of prison discipline?

I think it is the only safe foundation for prison discipline; but it would not be right to extend it too far.

1929. What are the objections which have prevented the introduction of the separate system into Wales?

Simply that they have old prisons there, and are unwilling to incur the expense of rebuilding; but I believe since I have given up that district they are about to build in Montgomeryshire a new prison, which will be on the separate system.

1930. Under the Act of the 5th and 6th of the Queen is not power given for the amalgamation of borough prisons with county prisons?

It is.

1931. Are you aware whether that Act has been taken advantage of?

In several counties; for instance, in Derbyshire there is only one gaol for the town and county.

1932. Looking to the fact that many borough prisons are very small, are you not of opinion that it is the most effective and most economical arrangement that they should be amalgamated with the county prisons?

I think

I think it would be very desirable in most cases; but the borough magistrates are very unwilling to give up the little patronage and power that they have in their borough gaols.

1933. Is there not a provision in the Act which would arrange for a joint council of visiting justices under those circumstances?

I think that would be very dangerous; in most cases where I have had the opportunity of meeting them in that way, I find that they never pull well together.

1934. Is there any objection, as a general rule, on the part of the county?

I can hardly say on which side the objection arises, but the two bodies are so differently constituted, that they never could agree; they take different views. In one instance, I took upon myself to bring the county and borough magistrates together, and I found it did not answer.

1935. Is it not the fact, that the Secretary of State has no power under any existing Act to require the removal of prisoners from a borough prison to a county prison?

He cannot compel it.

1936. Would it, in your opinion, be desirable to entrust such a power to the Secretary of State?

On more than one occasion I have reported upon a borough prison as being unfit to carry out sentences of hard labour for long periods; and in such cases they have been recommended to contract with the county. I would mention Grantham, in Lincolnshire; and Lynn, in Norfolk; the period for which prisoners could be sent to those borough gaols was limited, and they contracted with the county for the long-sentenced prisoners.

1937. But as I understand from your evidence, very little amalgamation has as yet taken place between the small borough prisons and the county ones?

It would be very desirable that small borough gaols should contract with the county for the maintenance of their prisoners; but I am not aware that the Secretary of State has any power to compel them to do so; they do it of their own accord.

1938. If such a power should ever be entrusted to the Secretary of State, are you of opinion that there would be any practical objections or difficulties in the way of working such a provision?

No, provided the county magistrates had the sole power; otherwise there would be this difficulty arising from it; in the boroughs the town council control the expenditure; the magistrates have no control over them whatever; if there were a joint visitation by the county and borough magistrates, they might frequently be at issue with the town council.

1939. Your opinion is, that whilst it would be a great advantage that such a power should be vested in the Secretary of State, it is an indispensable condition that the sole controlling jurisdiction should exist with the county magistrates; is not that so?

That is my opinion.

1940. Are there within your district any liberty prisons still existing?

There are three; Peterborough, Ripon, and Halifax.

1941. Can you state to the Committee, whether there is any special circumstance connected with those prisons, or what their condition generally is?

At Ripon there are two gaols; one is for criminals; the other is the debtors' prison. In the debtors' prison, although it is still kept up, they have had no inmates for about five or six years. In the criminal prison they have a very small number, and they are entirely on the associated system, and without any employment.

1942. The greater portion of the liberty prisons were abolished some few years ago, were they not?

Yes; about five or six years ago.

1943. How many years have you held an inspectorship of prisons?

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I was appointed an inspector of prisons in 1851; but before that, I was associated with Sir Joshua Jebb and Captain O'Brien, as one of the directors of convict prisons.

1944. During the time that you have held that office, are you of opinion that there has been any improvement in the class of persons who administer the county and borough prisons, such as the governors and the chaplains, and the other officers connected with the establishment?

I think that the officers recently appointed are generally a better educated class, and better qualified to administer the affairs of the prison.

1945. Marquess of *Salisbury*.] With regard to borough magistrates, they are not of necessity members of the town council, are they?

Not of necessity.

1946. Are the visiting justices of counties members of the quarter sessions?

They are members of the quarter sessions.

1947. You are of opinion that there may be an antagonistic influence between the borough magistrates and the town council?

In the boroughs I have frequently found that to be the case.

1948. That antagonistic influence cannot, I presume, exist in the counties?

It cannot.

1949. And in consequence, therefore, there is not the same danger of antagonistic influence between the county magistrates and the visiting justices as exists in the boroughs?

Certainly not.

1950. Your opinion of the borough magistrates is not so favourable as of the county magistrates?

Certainly not.

1951. *Chairman*.] Are not a large proportion of the governors of gaols military men?

In the larger gaols they are; but not generally so. I have a few governors now in my district who are military men; but the gaols in Scotland are not in the hands of military men.

1952. Would you be prepared to express an opinion favourable or unfavourable to the employment of military men as governors?

I am an old soldier myself, and am, perhaps, prejudiced in favour of them.

1953. You would entertain no objection to the employment of military men as governors?

Decidedly not.

1954. A very favourable opinion has been stated to us in evidence with regard to the system of promoting men from amongst the subordinate officials of the prison to the rank of governor; is that, in your opinion, a desirable mode of procedure?

I do not think it is generally desirable.

1955. Do you think that the class of men from whom the subordinate officials of prisons are taken, are a class who are very eligible for the duties and responsibilities of governors?

Generally speaking, they are not; but I could mention one or two exceptions.

1956. Would you say that the routine of a prison subordinate is an education which would naturally tend to fashion his mind for the duties of a governor?

I think that an old soldier having a perfect knowledge of discipline, would very soon learn the prison routine, and I think it often operates unfavourably if a subordinate officer is promoted to be the governor of a gaol; his old associates, the other subordinate officers, do not respect him or treat him in the same way that they would a better educated person.

1957. Are there not many qualities which belong to military men, as a class, which are very valuable in the government of prisons?

Yes.

Yes, I think there are many; not only the knowledge of discipline, but the habit of acting promptly and investigating complaints, and having a general knowledge of character, all assist a military man very much.

1958. Do you believe that it is possible, and if possible desirable, that a governor should be acquainted with the individual characters and the minutiæ of the prisoners who are entrusted to him?

I think that it is his duty to study the characters of the prisoners. Of course in the case of those prisoners who have short sentences, there is no time to do so; but if the governor will take the trouble, he may exercise a very salutary influence over the prisoners by talking to them, finding out the weak sides of their characters, and taking advantage of anything he may observe.

1959. From your experience of the chaplains as a class, are you of opinion that they are equal to the duties of their position?

I know many chaplains who have great influence with the prisoners, and who exercise it very usefully; but I think that in the appointment of chaplains, the practice has been too much to look to a man's being a serious and good man without looking sufficiently to other requirements, such as tact and knowledge of the world and knowledge of character; these are quite essential in order to obtain any influence with prisoners.

1960. Does not the chaplain very often take some part in the administration of a prison, beyond spiritually ministering to the prisoners?

It is not desirable that he should do so. I think it is very desirable to separate the discipline and the moral instruction; so much so that I have always recommended the schoolmasters should not be called upon to make a report of a prisoner; there should be a discipline officer present in school to report any misconduct; the prisoners should be taught to look upon the chaplain and the schoolmaster as their friends, and as having nothing whatever to do with the discipline.

1961. Has it not fallen sometimes within your cognizance that a chaplain has taken upon himself in no inconsiderable degree the administration of the prison details?

I cannot call to mind any case in which the chaplain has improperly interfered. I may have heard of it, but at this moment I do not remember any instance.

1962. Are the Committee to understand that, in your opinion, the province of a chaplain should be strictly limited to spiritual ministrations and instruction?

Certainly.

1963. Marquess of *Salisbury*.] Has it come to your knowledge that chaplains have interfered in obtaining a remission of sentences from the Secretary of State?

I have known instances of chaplains making such a recommendation to the visiting justices, but never passing beyond that.

1964. Earl *Ducie*.] Are you aware that it is a common practice for the borough magistrates to contract with the county magistrates for the maintenance of their prisoners?

It is frequently done.

1965. Are you of opinion that that is a good arrangement?

It is very desirable; for, in a small borough gaol, they cannot carry out the discipline properly.

1966. Does that system, to the best of your knowledge, work well?

It does. It is far better that they should contract with the county than that they should have a joint authority.

1967. Have the borough magistrates ever come into collision with the county authorities in such cases?

No; the borough magistrates resign their authority, they merely pay for maintenance of the prisoners.

1968. Duke of *Marlborough*.] Are there a good many borough prisons within your

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your district which you would consider to be badly managed prisons, and not to be desirable places for the confinement of prisoners?

Some of them have not the means of carrying out a good system of discipline. I would not go so far as to say that they are badly managed; because, if I found them badly managed, it would be my duty to make a special report concerning them.

1969. Are there a good many in that condition?

Not a great many; but I have not a large number of borough prisons in my district.

1970. *Lord Steward.*] Have you had occasion to make any reports with reference to that?

On one or two occasions I have recommended that they should contract with the county for the maintenance of their long sentenced prisoners, and it has been done.

1971. Duke of *Marlborough.*] Supposing you found a borough gaol in a condition which you would not think a suitable one for the prisoners, what would be the course that you would take under those circumstances?

The course which I have adopted generally is to communicate, in the first instance, with the magistrates; and, if I found them unwilling to make the required additions to the gaol, or to enter into a contract with the county for the maintenance of their prisoners, I should then make a special report to the Secretary of State.

1972. That special report having gone to the Secretary of State, what power would he have of remedying the state of things of which you have complained?

I am afraid that the Secretary of State has very little power to enforce any thing of that sort; the utmost that he can do, I imagine, is to indict them for a misdemeanor for disobeying an Act of Parliament.

1973. Are you aware of any instance in which the Secretary of State has ever resorted to that extreme measure?

I am not aware of any such instance.

1974. As the case now stands, are there still borough prisons, with regard to which you have been obliged to make reports of that nature, and where that evil has not been remedied?

No; the evil has been remedied as far as practicable.

1975. In what way?

Either by making additions to the gaol, or by additions to the staff of the prison, or by contracting with the county. I should mention, as an example, Grantham in Lincolnshire. I found that prison insufficient to carry out the sentences. The superintendent of police for the borough was also the governor of the gaol, and as he could not be in two places at once, the duties of the gaol were frequently neglected. I communicated with the magistrates, and with the inspector of constabulary; the result was that they built a few additional cells, and appointed another governor, leaving the superintendent of police to his duties of a police officer alone.

1976. Are the Committee to understand, that as the result of your recommendations to the borough magistrates, you are satisfied with the condition of all the borough gaols in your district?

No, I should like to level many of them to the ground, and rebuild them; it is impossible, with some of the present buildings, to have any good system of discipline carried out.

1977. You stated, did you not, that when you have found the buildings insufficient, you have recommended an alteration or enlargement?

That was where I found them overcrowded; but we have now in York City a very bad gaol. The men are always in association during the day. It would be impossible from the construction of that gaol to carry out any good system of discipline.

1978. Those are cases where a new gaol must be built, before any improvement can be made?

Yes,

Yes, it is the faulty construction alone, which prevents a better system being adopted.

1979. Have you represented that fact to the borough magistrates?
I have frequently talked to the magistrates about it.

1980. Have you found them willing to entertain your plan of having a new gaol?
No, I have not found them disposed to rebuild that gaol; but I have found them disposed to take the next best step, namely, to make any practicable improvement they could in the old gaol.

1981. Do you consider that any improvements are capable of being made in that instance?
There may be improvements made, but not sufficient to satisfy me.

1982. How long has that state of things existed?
That was the state of things many years ago, when York was in my district, and it is only this last year that I have assumed the charge of that district again.

1983. Do you find things still in the same state?—Yes, still in the same state, excepting that they have a better governor than they had before.

1984. Have you any hopes that the magistrates will consent to rebuild that borough gaol, and put things on a better footing?
I have no expectation that they will rebuild that gaol.

1985. Is the state of things which exists there very deleterious to the prisoners?
I cannot go to that extent; I merely say that it would be impossible to carry out there what I call a good system of discipline, that is, separating the prisoners at all times; and I am of opinion that prisoners placed in association frequently go out worse than they come into prison.

1986. Are the Committee to understand you to say, that from that association at present existing, and likely to continue in that gaol, a good deal of injury would exist with regard to the prisoners themselves, as you say they come out worse than they go in.
Perhaps I have gone too far in saying that they come out worse than they go in; but I will say that I think there can be but little improvement effected in the prisoners.

1987. You very much deprecate the system of association, do you not?
Most decidedly.

1988. That is the system existing in that gaol?
It is.

1989. And you see no means of obtaining a remedy?
The only remedy I have applied there is, that I have obtained a better supervision when the prisoners are in association.

1990. Unless the borough magistrates consent to build a new gaol, you see no means by which the state of things could be improved?
No. A governor wrote to me the other day about altering some cells; my answer was, that it would be useless, as I thought, to attempt to patch up the old gaol; the only way of making it a good gaol would be to rebuild it altogether; they would only throw money away if they expended it in attempts at improvement.

1991. That being the state of things, if the law is insufficient at present to provide a remedy, has any remedy suggested itself to you?
The Secretary of State has no power to compel them to rebuild the gaol?

1992. Should you think that power ought to exist in the Secretary of State, either to require a proper gaol to be built, or to require the borough magistrates to take the advantage of the existing power to contract with the county magistrates?
I think that would be very desirable now that the separate system has had a fair trial. Formerly the cry of the borough magistrates would be, "It is merely a new system, and, in order to try these experiments, you put us to the expense

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of building a new gaol." Many of them even now look upon the separate system as merely an experiment.

1993. You do not consider it an experiment, do you?
Decidedly not.

1994. You consider that its results have been permanently and satisfactorily ascertained?
I think they have.

1995. So that no injustice would accrue to the magistrates if the power existed of compelling them to build an entirely new gaol upon the separate system?
I do not think there would be any injustice in that.

1996. Do you know what number of prisoners are confined in York gaol?
The average daily number last year was 30. The number committed during the year 458.

1997. Earl *Romney*.] You stated, in answer to the Noble Duke, that the results of the separate system had been thoroughly ascertained; what are those results?
I stated that I thought it was the only safe foundation of prison discipline. It would occupy too much time if I were to attempt to state what I consider the advantages of the separate system. In a few words, I may say that it forces a man to reflect; it makes him feel that employment is a boon, and not a task; and it separates him from the contaminating influence of other prisoners. And another very strong fact is, that it places him under the influence of the chaplain. In association, a prisoner is afraid to listen to any advice or instruction from the chaplain; he is laughed at, and there is nothing which a prisoner dreads so much as ridicule; but when he is in separate confinement, he will listen to the chaplain calmly, and he has time to reflect upon what the chaplain has said to him.

1998. The direct effect of being separated is, that the prisoner cannot communicate with those from whom he is separated; but my question was as to the result; what is the result of all that?
I consider that the number of recommittals in those gaols where the separate system is carried out are fewer than they are in gaols carried on under the associated system.

1999. Are you able to say at all from whence that arises?
I think that the separate system has a great deal to do with it.

2000. By doing what upon the man, or upon the population in general?
As I have stated just now, it gives a man time to reflect, and that reflection leads to improvement.

2001. Do you think that the result of his being shut up in that way, and having time to reflect is, that it makes him a better man?
Not that alone; but that and all the other agencies that are employed. Certainly, a man is more likely to be improved under the separate system than he is under the associated system, and men have told me at the time when I inspected the hulks, "If I had been under the separate system, sir, I should never have been here." In association, they become thoroughly hardened, and they cannot contend against all the ridicule and other evil influencies that are brought to bear upon them.

2002. Is it not the case that you find that those prisoners who have been in separate confinement came into prison again?
The separate system is not infallible; I am afraid we shall not find any system that will improve them all.

2003. But crime is not reduced, is it?
Crime was largely on the decrease up to the year 1859; since then (and I find it most difficult to trace the cause of it) there has been an increase of crime again. But if we take the last ten years we shall find that there has been a large decrease in crime.

2004. Do you think that the separate system is more or less disagreeable to prisoners than the other system?

I think the advantage of the separate system is this, that the shoe pinches, if I may use the expression, just where you require it—that is to say, a thoroughly bad man cannot bear separation; it is a severe punishment to him; but a man who is comparatively well disposed can not only bear the separation, but he can benefit by it, and make a good use of his time.

2005. Do you think that a bad man dislikes it so much that he will not come in again if he can help it?

I am afraid that many of our more hardened criminals cease to care much about it when the pain ceases. The effects of any punishment upon a thoroughly hardened man will not continue much beyond the time during which he is suffering pain, and therefore it is, I think, if we want to improve a man we must bring two agencies to work—we must punish him, and at the same time endeavour to improve and humanize him.

2006. What is the punishment under this system?

I think the loss of liberty itself is a great punishment, they feel it so. I see constantly in letters from prisoners that they hold the loss of liberty as a great trial.

2007. Do you think that that deters other people who have not been in prison?

I think that the separate system, combined with a strict discipline, is better calculated to deter than any other system. We frequently find men dislike the separate confinement so much that they would beg to be put on the wheel rather than remain in a separate cell; and I think the most severe punishment you can inflict upon a man of that sort is to set him to pick oakum in a separate cell.

2008. Where a man asks to be put upon the wheel, is not that because he is on a low diet in a separate cell and has nothing to do?

He would get no improvement in diet by going on the wheel; but prisoners like working in association, even though they cannot speak to each other; the mere feeling that they have a man working in the next compartment to them does away with the irksomeness and monotony of the separate system.

2009. *Lord Steward.*] Do you think it desirable that the separate system should be carried out to the fullest extent; that is to say, in school and in chapel as well as at work?

Decidedly not in chapel, I think.

2010. Nor in the school?

That depends upon the number attending the school; if you can separate them fully without, it would be desirable that the separate stall system should not be carried out; but generally they have not a sufficient number of officers to control the prisoners, and the schoolmaster cannot do it himself; they have only one officer probably in the school, and if he has a hundred men there, they can talk freely if they are not separated by stalls.

2011. Do you not know that in Leicester gaol the separate system is practically carried out in the chapel and the school-room as well as at work?

Yes; I disapprove of separate stalls in the chapel, and separate airing yards.

2012. Earl of *Malmesbury.*] What is your objection to their being separate in chapel?

One reason is, that the House of God is not the place where they should be made to feel that they are prisoners in that sense; but I think the effect upon the prisoners is bad; they listen to the service in a very different spirit when they are shut up in those separate stalls; with others it is a great trial from the difficulty and constant strain in endeavouring to hear what is said; many of them give it up as hopeless.

2013. But you stated just now that they listened with great attention to the chaplain when they were in their separate cells; why would they listen with less attention to a clergyman when they are in separate stalls in the chapel?

The general instruction which they gather from the service is very different from the personal communication between the chaplain and the prisoner in the cell.

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cell. I was speaking of a chaplain going into a prisoner's cell to advise him and to talk to him. The course which the chaplain takes, if he understands his duty, is not to go in and begin talking to a prisoner at once upon matters of religion, but to make some observation on his work or on the books that he is reading, and to draw him into conversation, and then take his own opportunities of advising him; leading the conversation in whatever way he desires.

2014. Then your opinion is, that they are less attentive to the clergyman in the pulpit when they are separated than when they are associated?

They are less attentive; and there is a constant strain from the difficulty of hearing. I have gone for experiment into those separate stalls, and have had great difficulty in hearing.

2015. Marquess of *Salisbury*.] Does not that objection rather relate to the building itself than to the system?

To the separate stalls in the chapel.

2016. To all separate stalls in the chapel?

In some gaols, they have a separate stall for each man in the chapel; he is shut in with a spring.

2017. Does that always interfere with his hearing the clergyman?

They are surrounded on three sides, and there is a sort of hanging board over head, which causes such confusion that it is difficult to hear.

2018. Without the board over the man's head, would the same echo be produced?

No; but that board is necessary to prevent the prisoner behind from seeing the man immediately below him.

2019. Earl of *Malmesbury*.] Do the prisoners complain that they have great difficulty in hearing under those circumstances?

I have heard complaints to that effect.

2020. *Chairman*.] Do your objections to the separation in chapel resolve themselves into a mechanical objection?

Not simply so. I think that we should do all we can while the prisoners are in chapel to humanize them. Experience tells me that where the prisoners are brought as they are in Stafford prison, in Chester Castle, and in some other prisons, into a chapel fitted in the ordinary way of a village church, they are far more attentive than they would be if separated; and they do not attempt to communicate.

2021. As a rule, do you approve of the separation of prisoner from prisoner in the school-room?

It is desirable, generally, from the want of insufficient supervision in the school.

2022. Is that the only ground on which you would recommend that separation in the school-room?

I think it would be better if they were in open sittings, provided they had sufficient supervision.

2023. Is it not possible in the school-room to have the same amount of supervision as you would approve of in the chapel?

It would be possible, but you would require a larger staff of officers, the prisoners are only in the chapel for three quarters of an hour or an hour perhaps, once a day; in the school they are two hours or two hours and a half in the morning, and the same time in the afternoon.

2024. *Lord Steward*.] Is not the chapel generally used as the school-room?

It is, generally.

2025. Lord *Lyveden*.] In your district, is there generally separation in chapel or not?

No; they are doing away with the separate stalls in the majority of places. They have done away with them at Pentonville, at Wakefield, and some other prisons.

2026. By whose orders?

The magistrates have done it in the county prisons.

2027. Lord *Wodehouse.*] On the recommendation of the inspector?
I think not. The only case in which I interfered was when they were building the new gaol at Liverpool; they wished to have separate stalls, and I advised them strongly against it. I could do no more than suggest or advise. Some of the magistrates were very anxious to have separate stalls; however, there was a division, and ultimately they agreed to refer it to Sir Joshua Jebb, knowing that he was the parent of the separate system; to their surprise he agreed entirely with me, and said he would recommend that they should have open sittings.

2028. Marquess of *Salisbury.*] You stated, did you not, that you conceived the separate system to be a greater punishment than hard labour?
I think that to a badly disposed prisoner the most severe punishment that you can give him is to put him in a cell, without any employment at all. A prisoner, if put into a cell without employment, will ask for work, the time hangs so very heavy on his hands.

2029. *Chairman.*] With reference to the separation in chapel, are you not of opinion that any partition must be some obstruction, at all events to communication passing between the prisoners?
I think separate stalls or partitions tempt the men to communicate, the supervision is better when they are in open seats, than when they are partly separated by stalls.

2030. *Lord Steward.*] Is not one great advantage of the separate system, that the prisoners do not even see each other, and know each other by sight, when they come out of prison?
But how has that been carried out? It has been found impracticable; at Pentonville, for instance, the prisoners are not allowed to see each other, but the moment they are removed to the public works they can see and associate with each other. But more than that, the prisoners have a language that we none of us can understand. They cough and knock at their cells or at their stalls; they have an alphabet of their own by which they can carry on communications which we cannot understand. We can only hope to prevent contamination; we cannot altogether prevent communication.

2031. *Chairman.*] Do not you believe that in those chapels in which the partitions have been removed, communications pass very freely between prisoner and prisoner?
Not so much so as in chapels where the stalls have been retained; I think that the prisoners are less disposed to attempt to communicate when they are in open seats; and more than that, I think the supervision is much better.

2032. Are there not extraordinary facilities for communicating during the moments of the responses, or at the time that the singing is going on in the chapel?
I have known prisoners chaunt what they desired to say to the tune of the chaunt.

2033. Would not that process be far easier where there are no partitions in the way than where there is a separation?
I think they would be more readily heard by an officer sitting amongst them, than if they were in separate boxes.

2034. Would you be surprised to know that in some gaols the prisoners have spoken to the governor of the gaol, and have requested to be removed from the stalls, and the seat which they previously occupied, on the ground of the indecent communications that were continually made to them by their fellow prisoners?
I have heard of a complaint being made by a prisoner, that the man in the next stall endeavoured to communicate with him, and he begged that he might be removed. That was not at all an uncommon occurrence at Pentonville in former days, when it was first built.

2035. Does it not follow that the communication must be in a much louder tone of voice if a stall interposes between two men?
When they are in open sittings the officers are brought nearer to them, and can hear the communications better than when they are in separate stalls.

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2036. Is it not perfectly possible for one, or two, or three officers, if necessary, to be posted on a bridge over head, from whence they can look down upon the actions of the prisoners, provided the prisoners are in separate stalls?

The best arrangement that is possible is made with the staff we have; but you require a very large staff to watch every man closely, so that he cannot communicate. It is impossible altogether to prevent communication; therefore I would endeavour to raise the prisoners, and not degrade them. The more you degrade a man the worse he will become, and the more likely he would be to make such indecent communications as have been referred to.

2037. Therefore your objection resolves itself rather into a moral objection than anything else?

I think it is objectionable, both in a moral point of view, and also as a matter of discipline.

2038. You of course have been aware that there have been some chaplains who have acquired an extraordinary power over the prisoners; Mr. Clay, at Preston, for instance, and others, and that a considerable influence has very often been produced by their preaching?

I think Mr. Clay did exercise great influence with the prisoners; but they would not have listened to him with the same attention had they not seen him in their separate cells, and had he not there made the prisoners feel that he was their friend and adviser as well as their minister.

2039. You are probably aware that during the course of his preaching the prisoners constantly gave signs of very great emotion by tears and otherwise?

I have seen such effects produced.

2040. Would there not, therefore, be this advantage in the existence of partitions, that the emotion would be unseen, and consequently would not be so much suppressed, as it must necessarily be suppressed, if the prisoners were sitting in open chapel, with the knowledge that every sign and look that they gave would be observed by their companions?

I think that many prisoners who give way to emotion in that way have perfect power to control themselves; in fact, such signs of emotion are frequently exhibited by great hypocrites in order to court favour with the chaplain; I think that the large majority could control any such feeling, although they may give way to it when they go into their cells.

2041. Therefore you would feel very suspicious of any great emotion or demonstration of that sort?

It would depend very much upon my knowledge of the prisoner. I meet among the prisoners very weak-minded men, who would not have power to control their emotion; but I am now speaking of those who have more power over themselves, and who are, as prisoners, better educated than the others.

2042. For those who have not the proper control, you do not see any advantage in the partition?

No; it is sacrificing the number to the few, for I think there are very few who would give way to emotion. By having the open sittings, you raise the prisoners, and confer a benefit upon a large number.

2043. Does not that argument suppose that the majority go away having profited very little by the service?

My belief is, that the majority of prisoners when they make professions in prison are sincere at the time, but they have no moral courage to carry out their professions, and resist the temptations to which they are exposed when they go out; one of the greatest trials to them is the ridicule of their old associates. If we had more widely spread over England such institutions as the one at Birmingham (the Discharged Prisoners' Aid Society), it would do more good than anything else. What we want is a helping hand to be held out to the prisoner when he comes out of gaol.

2044. Duke of *Marlborough*.] To recur to the subject of borough gaols, are there many other borough gaols in your district of a defective construction analagous to what you were stating; was that the case with regard to York?

Some of the best gaols we have are the borough gaols of Leeds, Liverpool, and Manchester. At Hull they have added some separate cells, and they

they carry out a better discipline now than they did formerly. It was conducted on the associated principle when I first went there in 1851; and I believe that the association had a very injurious effect upon the prisoners. Northampton borough gaol is also a very well-conducted gaol.

2045. Have you a large number of borough gaols in your district?
Not a large number. For instance, at Stafford there is only one gaol for the whole county and borough; but at Walsall and Newcastle-under-Lyne, I found, when I went there, that they kept the prisoners in the common police cells for three or four weeks, without any means of carrying out the discipline. The mayor at Walsall told me that he had brought the matter before the local authorities, and as they were about to build a new court-house, they proposed also to build a new gaol; it would depend upon their carrying that proposal, whether they sent their prisoners to Stafford, or kept them at Walsall. In the mean time, they will never keep a man there beyond seven days; but that is not a borough gaol, it is a mere police station.

2046. You have mentioned some instances where your advice has been attended to, and where improvements have in consequence been effected; but there are a large number of borough gaols within your district, are there not?
Not a great number.

2047. Can you state the number?
Thirteen.

2048. Does that include Scotland?
No; I may say, we have no borough gaols.

2049. Do you consider that the great defect at present existing in the borough gaols is rather the associated system, whereas you would recommend the separate system?
That is generally the case. The Manchester City and the Liverpool and Leeds Borough gaols are on the separate system, and they are well conducted gaols; I have not the same fault to find with them; generally speaking, the faults are more in the construction than in the discipline.

2050. You would therefore consider it very great improvement if, by any means, the separate system could be introduced into all borough gaols?
Decidedly.

2051. Especially in towns of large size where there is a large number of prisoners likely to be brought together?
Yes; in boroughs, perhaps, it is even more desirable to separate the prisoners than in counties.

2052. Is it not the case that even where the mayor of a borough and one or two of the common councilmen may be public spirited and desire to see improvement when any of those improvements are suggested which involve a considerable amount of expense, such as either rebuilding, or altering, or enlarging the borough gaol, they do meet with a great deal of opposition from the other members of the Council, or with general opposition in the town itself?
Yes; and to show how strongly that is the case, I will mention that in one gaol I found fault with the insufficient number of blankets, and that they had only one towel to every six men. I spoke to two magistrates about it, and each said, "I will not order it, for the last thing I ordered the Town Council made me pay for it;" the magistrates refused to order the things in consequence.

2053. You do not consider that Town Councils are of all bodies the best in the world to take a liberal and public spirited view with regard to prison discipline?
I think they are not; but I should mention that the Town Council have no authority in the gaol, it is the magistrates who have the authority in the gaol.

2054. The Town Council would have to assist in any expenditure, would they not?
Yes, but they cannot interfere with the gaol, they cannot order any expendi-

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ture without the magistrates, it must come first by order of the magistrates, and then go to the Town Council to be approved by them as a sort of Finance Committee.

2055. In fact, there is a double difficulty: the difficulty of obtaining the consent of the magistrates, in the first instance, and then the difficulty of obtaining the consent of the Town Council to the expense?

Yes, that is the difficulty, that it should be in two hands instead of in one.

2056. *Chairman.*] The Committee have had a great deal of evidence from different witnesses with regard to the system of hard labour, as administered in different prisons. I presume that the labour in your district may be divided into hard labour and light labour—hard labour comprising the treadwheel, the crank and such occupations as stone-breaking, and light labour consisting of industrial occupation?

Yes.

2057. Do you generally approve of the treadwheel as an instrument of punishment?

I do not; I think that it is far better to carry out the separation, and to keep the men employed separately.

2058. Would you state very briefly what your objection is to the treadwheel?

I just now stated that the prisoners are brought together at the treadwheel, and they would infinitely prefer working in association (even though they have very little opportunity of communicating with each other), to any monotonous work such as oakum picking in their own cells.

2059. Therefore the principal objection is the association, which in your opinion is involved in the use of the treadwheel?

That is not the sole objection. I speak generally; my experience has left that impression upon my mind, but it is difficult to explain how it has caused me to form that opinion. I have paid some attention to the subject, having been connected with, since the year 1842, prison discipline, and that is the general impression which I have arrived at.

2060. Do you believe that the use of the treadwheel is too severe physically for the men?

I think that very many prisoners are more or less affected with heart disease, and I think that it is decidedly dangerous to put a man so affected on the treadwheel. A case happened about five years ago, where a man dropped down dead at the wheel. The surgeon who examined him said he saw no reason to take him off the treadwheel; after he had been working there about two months, he dropped down dead.

2061. Is it not the surgeon's duty, to examine any man who complains when he is put to the wheel?

Decidedly it is; and he is also to certify whether the man is fit for labour or not before he is put to the treadwheel.

2062. I presume that there are very few cases during your whole experience, of a similar nature to that which you have just stated?

I mentioned that as a solitary instance that I have known of a man dying suddenly at the wheel; I cannot say that the wheel caused it.

2063. As a general rule, has not the surgeon the means of ascertaining with complete precision whether a man is afflicted with disease of the heart or not?

No doubt the surgeon has means of ascertaining it. I cannot say hat the prisoner to whom I have referred had heart disease, but the fact is that the man dropped down dead at the wheel.

2064. Was it proved at the time that he died of heart disease?

No.

2065. It might have been of apoplexy, might it not?

It might have been from that or any other cause.

2066. Are you aware what the verdict of the coroner's jury was?

"Died by the visitation of God." It was fully investigated at the time.

2067. Do

2067. Do you further object to the use of the treadwheel, on the ground that it is a degrading, and very often an unproductive employment for the men?

I think, speaking generally of the crank or treadwheel, that it lowers and degrades a man who is well disposed, and though you may fail in improving some men by employing them in industrial labour, still you sacrifice the well disposed by putting them on the treadwheel.

2068. *Lord Steward.*] Is it not rather the crime than the punishment that degrades?

Yes; but I would hold out to the prisoner that, although he must be punished for the crime, it is still open to him to raise himself, if he is determined to do so.

2069. *Chairman.*] Are the Committee to understand, that, in your opinion, the use of the treadwheel does convey a sense of degradation to the mind of the prisoner?

I do not think it is so much the case with the treadwheel as with the crank in the separate cells.

2070. Do you object to the use of the crank altogether?

To the general use of it, I do.

2071. Under what circumstances do you admit it within your catalogue of advisable punishments?

Supposing a man who is employed in industrial labour should neglect his work or destroy the materials, or be guilty of any misconduct of that sort, I would then make him feel that he has further lowered himself, and I would order crank labour as a punishment for that misconduct.

2072. Therefore, the Committee are to understand that you would employ the crank and treadwheel, if at all, simply as a punishment for the offences committed in prison?

I think the treadwheel has its advantages in cases of men who are committed for short periods, and who cannot well be employed in other labour; for instance, in an associated prison, where they have no power of separating the prisoners, it is better to employ them on the wheel, than to employ them in picking oakum in association. If they could make them pick oakum in separate confinement, it would be different.

2073. What do you mean by a short sentence?

Under one month.

2074. Therefore, are the Committee to understand that you would employ the treadwheel simply for prisoners sentenced under one month, and that you would never employ the crank at all except as a punishment for prison offences?

That is so.

2075. The Committee would wish to understand whether, the treadwheel being, in your opinion, a degrading punishment, it is desirable to inflict that degradation upon a short sentence prisoner who may be supposed to be in prison for a venial offence, in preference to a long sentence prisoner who is probably committed for some great outrage?

That is not in any way my meaning. I have a strong objection to all short sentences. I think that they do more harm than good. I think a prisoner is degraded, and has the taint of the prison put upon him for an offence of a very minor character, which would perhaps be better dealt with in some other way; but with regard to prisoners when they are committed under a month, I would recommend that they should be put to the treadwheel simply because there is no other way of employing them.

2076. What is the shortest sentence that you would admit of, in your view?

It is very difficult for me to lay down a rule as to that, but I think that short sentences generally do more harm than good.

2077. Speaking generally, what is the shortest sentence which the Committee are to understand you to allude to?

Under a couple of months you can gain no influence over a prisoner. I think that the first object in sending a man to prison should be punishment,

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the discipline ought to be severe, and a month is too short a sentence altogether. If he is deserving of being sent to prison, I would give him severe punishment, and at the same time I would allow time for the prison authorities to gain an influence over him.

2078. Do you believe that in two months it is possible to reform a man under any system of prison discipline?

It would be taking upon myself too much to say that a man can be reformed in two months, but what we hope to do in dealing with that class is, to prevent the majority from coming under the arm of the law again, without supposing that we can make them all good men. If we do this, we should do a great deal.

2079. Do you believe that reformatory influences have any general effect within the space of two months?

I think they may go together; if you give a man sharp discipline, and at the same time obtain an influence over him, you may do good with a well disposed man; but there are some men who are trained to thieving from their infancy, and it would be madness to say that two months or six months would be sufficient to reform them; you have quite to change their character, their habits, and their nature altogether.

2080. *Lord Steward.*] You stated just now that you would deal with venial offences in some other way; could you give the Committee some notion of what you meant by the expression "some other way"?

We could perhaps meet it by fine, but that could not be done in all cases; I think for first cases a great deal of discretionary power might be left to the magistrates to require a man to find security for good conduct.

2081. How would a labouring man do that; in what sum do you think that he would be able to find security?

If his conduct is so doubtful that he cannot find security, the magistrates may then give him the longer period of two months.

2082. Are the Committee to understand that if he could not find security, you would then sentence him to a longer term of imprisonment for a venial offence?

Not on that ground. I would say, "You have committed an offence which renders you liable to imprisonment for such a period; if your general conduct is good, and you can find approved securities that you will not commit such an offence again, we will allow you to be at liberty, but if you cannot find such security we must punish you for the offence, and give you two months."

2083. Lord *Wodehouse.*] How would you deal with the case of vagrants; would they be likely to be able to find securities?

No; but I think that a wilful vagrant is a man that should be dealt with more severely.

2084. Would you give a vagrant in all cases two months or more imprisonment?

They are a very difficult class to deal with; a vagrant is in training for a thief, and if you can stop the man's career as a vagrant, you cut short a career of crime.

2085. When you have committed a vagrant to prison for two months, how would you employ him during that time?

Vagrants generally are sociable animals, and if you kept them in separate confinement, picking oakum, you would be more likely to produce an effect than if you employed them at the treadwheel; there is nothing they dislike so much as being separated.

2086. *Chairman.*] Is it your opinion that vagrancy is increasing?

I think the extension of the separate system alone has done much to cause a decrease in vagrancy. It may have increased slightly the last year or two, but before that there was a very large decrease in the number of vagrants.

2087. Are you aware that in many gaols it is the systematic practice on the part of vagrants to be committed during the winter months?

That

That was very much the practice formerly. In some gaols they had what they called the Vagrant Ward, where there was a good fire, and the vagrants were all turned in together in a filthy state, without any supervision whatever. I am speaking of some 20 years ago. Vagrancy was largely on the increase then; but now that they have been dealt with individually, it has done much to decrease the number.

2088. You believe that the vagrant at present is deterred from coming into prison by the separate cell, and by the accompaniments of that cell?

I think he is more likely to be deterred by the separate system than by any other.

2089. Do you believe that, practically, that has been the result?

I think it has. I think the number of vagrants has decreased since the extension of the separate system.

2090. Lord *Wodehouse.*] Would you abolish altogether the sentence of hard labour.

No.

2091. How would you propose to carry out sentences of hard labour?

In separate cells hard labour consists of 10 hours' work during the 24; but I would keep the power in reserve of resorting to the treadwheel, or the crank, in case a man misconducted himself.

2092. Are the Committee to understand you to say, that a prisoner would be sentenced to hard labour, but would not be employed on hard labour if he conducted himself well in the prison?

I would not go to that extent, because I look upon oakum picking, for instance, as hard labour, when it is done by task-work. I would recommend that all the labour in the cell should be done by task-work, and it may thereby become hard labour.

2093. Would you consider that what is generally known as industrial employment, or trade occupation, can be fairly called hard labour?

If it is done by task-work, I think it may be so.

2094. So that you would retain the sentence of hard labour, and carry it out by employing the prisoner in industrial labour?

Yes, by task-work, with the power of putting him to other hard labour, in case he should abuse it.

2095. Do you think that that sort of labour would be more deterring than labour at the crank or the wheel?

A large number of persons are brought into prison, to speak generally, from a distaste for labour, and you are not likely to remove that distaste by putting them to grind at the crank; you are much more likely to do good by humanising them and making them feel that work is sometimes a boon and not always a task.

2096. When you speak of humanising prisoners, are you not rather thinking of prisoners who are condemned to imprisonment for long periods, than prisoners condemned for periods such as are usual in a county prison?

I am speaking of long-sentenced prisoners generally.

2097. But the inquiry in which the Committee are engaged relates to county prisoners, and the sentences which they generally undergo are what we may term short sentences; can it be supposed that any system will work a reformation in the character of a prisoner in a period of three, four, or six months?

Not in a man who has been regularly trained to crime.

2098. Or any other man?

Yes, I think that many a man has committed one act which would send him to prison for a period, and that the degradation and the punishment would be sufficient to deter him in future.

2099. Would you confine your observations entirely to prisoners who have committed one offence only.

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I think a prisoner who has been before committed should invariably be more seriously dealt with. I would deal with him more severely, not only in the sentence, but, if possible, in the discipline also.

2100. In what way would you deal with him more seriously; what more serious punishment would you inflict?

I would grant certain privileges to a well-conducted man who comes to prison for his first offence.

2101. What privileges would you give him?

I believe the strongest appeal you can make to vagrants is through their stomachs; but we are not permitted to alter the diet, or to give them any advantage from their work; with other classes, a man who comes in for the first time may have certain hours given him, say one in the evening, for reading and instruction; he should have more exercise in the airing yard, and other minor privileges of that sort, which are appreciated by the prisoners.

2102. When you say that you would inflict a more serious punishment upon a prisoner who had committed more than one offence, you do not mean that you would inflict any more penal labour upon him, but merely that you would give certain privileges to prisoners who are committed for the first time.

In the first instance, that should be considered in the sentence. This is not so generally acted upon as it should be. Of course a sentence should be more severe for the second offence.

2103. I understand you to say, that by a severer sentence you mean a longer one, and that in the case of a man who is sentenced for a second or any following offence, you would not subject him to any severer discipline in the prison than that of being employed in industrial labour in a separate cell?

Just so, by task work.

2104. *Chairman.*] I presume from the answers that you have just given that you would exclude such employments as stone-breaking from your category of advisable employments?

No; on the contrary, I think stone-breaking in separate yards by task-work is a very good employment, especially for short-sentenced prisoners. The advantage of stone-breaking, provided that it is not in association, is that you can task each man; every employment in a prison should, if possible, be performed by task-work.

2105. When a prisoner is sentenced for more than two months, you would propose generally, as I understand, to employ him in an industrial occupation of some sort?

In the case of a person coming to prison for the first time, I would certainly give him some industrial employment.

2106. *Lord Steward.*] You have spoken of task work; is it not very difficult to determine what amount of labour of any particular description a prisoner is capable of performing?

I think not. A governor who pays much attention to it can see whether a man has any mechanical turn or not. In the case of an agricultural labourer, for instance, he would not think of putting him to the finer work; he would put him to prepare the coir or any coarse work, and would task him at that; he could not be put at once to the more advanced stages of mat-making, and tailoring, and shoemaking.

2107. It was given in evidence the other day before the Committee, that in the case of a man who had been condemned for some offence, his task-work amounted to so much oakum picking per day, and that when his term was expired, as a sort of bravado, on the last day he did three times the amount of work, in order to show what he was capable of doing; would that modify your opinion with regard to task-work?

That would be the fault of the officer who measured the task. Oakum varies very much, according to the state of the rope, and whether the prisoner has any means of warming it; of course they can do it much quicker if they warm it; but

but I think that the governor and officers who understand it ought to be able to task the work so that the men should not be able to do much more than the task.

2108. *Chairman.*] Are there any gaols within your district in which there is neither the employment of the treadwheel, nor of the crank, nor of stone-breaking?

Yes, there are several gaols where they have no labour such as I understand the noble Earl to call hard labour, that is to say the treadwheel, or the crank, or stone breaking.

2109. In those gaols is the labour confined to industrial occupation of some sort?

In many of them the prisoners are employed in labour which would come under the head of hard labour, such as cutting wood to make up kindlers, and things of that sort; cutting up large logs of wood is very hard labour.

2110. Part of that industrial occupation consists, does it not, in shoemaking, in tailoring, and in carpentering?

Yes.

2111. And even in making paper bags?

I know only one gaol in which they made paper bags.

2112. In what gaol is that?

That was at Ely.

2113. In your opinion when a sentence of 18 months or two years' imprisonment is pronounced in court for a very grave offence, is the occupation of making paper bags a practical carrying out of that sentence?

I have never seen it carried to that extent; I do not know any case in which they have been employed continuously for any period in making paper bags.

2114. Are you aware whether in those gaols where the system is a mixed one, the prisoners prefer industrial occupation to that which I have called hard labour?

I should say that a prisoner would decidedly prefer industrial occupation to hard labour.

2115. On what ground would he entertain that preference?

I think it is natural that he should prefer some occupation in which he sees a return for his labour, rather than that he should, as the prisoners commonly express it, saw the wind; I think the crank, for instance, serves to irritate a man and create a bad spirit.

2116. *Lord Steward.*] Did not you say that their dislike was to confinement alone, and that rather than continue in those industrial employments, they asked to be put to hard labour, in a sort of association with their fellow-prisoners?

I was alluding in that case to men employed in picking oakum.

2117. *Chairman.*] Then is it the case that the preference is simply for such occupations as tailoring, carpentering, and others that have been mentioned, and that where they are employed in picking oakum in a solitary cell they would prefer to be put upon the treadwheel?

I have known instances of that. I cannot say that in all cases a prisoner would prefer to work on the treadwheel to an industrial occupation in a separate cell; but I have known instances in which they felt the separate system so severely that they said they could not stand it. I have known the same request to be made by men employed in some industrial occupation.

2118. Is not, in your opinion, the work at any industrial occupation, with the exception of picking oakum, much lighter than the work at the treadwheel or the crank?

I do not think it is necessarily so; I think if it is task work you may enforce 10 hours' work. The great evil is that the 10 hours' work which we are empowered to give is not always strictly enforced.

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2119. Are you aware of any one gaol in your district in which the full amount of 10 hours' labour at any occupation is enforced

Yes, I have met with several instances. I would take Wakefield, for instance, where the industrial labour is carried to too great an extent. It is more like a large manufactory than a prison.

2120. What is the amount of time that they work there?

The men work from six in the morning till eight at night, deducting two hours for meals; that is, one hour for dinner, half an hour for breakfast, and half an hour for supper; but those men are required to do a certain task, and some of them work the greater part of their dinner hour in order to complete that task.

2121. Earl of *Malmesbury*.] Are there any prisons where no labour is exacted?

At this moment I cannot mention any in my district, but in the county gaol at Hereford, which was until lately in my district, some men were in separate confinement, without any employment at all; and I had an application from a man that he might have some employment. If a man is sentenced to, and is fit for hard labour, he is put upon the wheel, but the men who have been sentenced to hard labour, and are physically unfit for the wheel, have no employment whatever.

2122. Are there any gaols in which there is no labour at all, either industrial or what we call hard labour?

No, I think not.

2123. In Hereford Gaol it was merely an absence of industrial labour that you remarked?

It was the absence of any employment for men who are not physically able to perform any hard labour. The complaint there was that men were put in separate confinement without employment.

2124. Did you not state that there were instances there of men asking to be put upon the wheel?

No. An application was made to me for some employment the last time I visited it; the man was not fit to be put upon the wheel.

2125. But there was no employment for him?

Employment was provided for him after he made that request.

2126. *Lord Steward.*] In those gaols in which there are no instruments of hard labour, and no means of enforcing hard labour, what steps are taken to enforce the performance of a due amount of industrial employment in the case of reluctant or disobedient prisoners?

Where the labour is not task work it must be left to the discretion of the task-master, who reports to the Governor; he investigates the charge of idleness, and says whether the man has done a fair amount of work, if not he is punished.

2127. What punishments are inflicted in such a case?

He is deprived of a portion of his meal, or, according to the magnitude of the offence, he may be put in a solitary cell, or a dark cell for a certain time.

2128. In such cases is it sometimes necessary to have recourse to corporal punishment?

I have found that more often the case where crank labour is enforced, but there are some cases where a man will not do his work in which it is necessary to resort to corporal punishment.

2129. You are of opinion, are you not, that corporal punishments cannot in all cases be dispensed with?

I should be very sorry to find that the power of ordering corporal punishment was taken away from the magistrates.

2130. *Chairman.*] Have you, in your experience, found that corporal punishment is generally effective.

If I may refer to it, I think what occurred in the House of Commons last Session, had a very bad effect; the weight of the cat has been so lightened a prisoner does not care for it. I think, in the first instance, we should seek

to

to lead prisoners, but if they will not be led, they must be driven. If it was necessary, I would at once resort to corporal punishment, and in such a case it should be no child's play; I would rather give six, or even two lashes, well laid on, than two dozen imperfectly, as as it is done now. The prisoners laugh at it, not only those upon whom the punishment is inflicted, but the others. In looking over the journal of a borough gaol which I visited, I found an entry that an officer had been struck by a prisoner, and I asked this question, "I see no entry of the punishment, either in the punishment-book or in the journal; what was done in this case?" The answer was, "I reported it to the magistrates." "Of course you did so, but what did the magistrates do?" "The mayor came down, and told the man that if he did it again he would punish him." And then this explanation followed: they had called for a return in the House of Commons, in which not only every punishment should be recorded, but the name of the magistrate ordering it, and that he had no idea of his name going up to the House of Commons as having ordered the punishment.

2131. Lord *Wodehouse.*] What alteration has there been made in the rules as to punishment, and by whose orders?

The other inspector and myself were directed to draw up some rules with respect to corporal punishment. We did so, limiting the weight of the cat, and the number of lashes to be inflicted; those rules we sent up to the Home Office, and were told that it was not necessary to enter so far into detail, but that they should be embodied in the rules generally.

2132. Are those rules sanctioned by the Home Secretary.

Any alteration in the rules must be sanctioned by him.

2133. Are those rules to which you refer, with regard to the infliction of the cat, sanctioned by the Home Secretary?

They were sent up to the Home Office by his directions.

2134. Is it imperative upon all magistrates to observe them?

Decidedly.

2135. What power has the Home Secretary to enforce them?

He has power to alter the rules, but I am afraid, as I stated just now, he has very little power to enforce them.

2136. He has no more power with regard to those rules than with regard to any other rules that he may make for a prison?

No, he has not.

2137. *Chairman.*] Would you make a return of those rules to the Committee?

I will do so.

2138. Lord *Wodehouse.*] In fact, if I understand you rightly, this alteration in the rules as to the infliction of corporal punishment was in consequence of discussions which took place in Parliament, and not in consequence of any new Act which was passed, except as relating to juvenile offenders?

It was at the time of the alteration in the Act with regard to juvenile offenders, but I cannot say whether it was in consequence of the discussion that took place in the House of Commons. We sent up the amended rules, and I suppose they would, in due course, be sent round to the prisons, but my colleague and myself have received instructions to look at the rules of all the prisons, and to amend them. I have looked through many rules and made memorandums upon them; but when I found that this Committee of the House of Lords were about to inquire into the matter, I thought it was far better to leave them alone till the Report of the Committee should be made.

2139. *Chairman.*] Have you ever seen one of those new cats to which you have alluded?

I have not seen any light cat. I took some trouble to inform myself about the cats used in different prisons, both as to the length of the lash and as to the weight.

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2140. Can you state any prisons in which the cat has been altered since this Act was passed?

I cannot.

2141. *Lord Steward.*] Could you easily ascertain whether there are any prisons in which the cat has been altered?

I could ascertain that and make a return of it.

2142. *Chairman.*] The Committee have had it in evidence from more than one witness that the administration of one single whipping has been so effective as effectually to prevent the recurrence of a similar offence; is that within your experience also?

I cannot say that I know any case in which the whipping of one prisoner has deterred others.

2143. My question was with regard to the individual himself; are you aware of any prisoner who has undergone corporal punishment who has offended again in the same manner subsequently?

There have been cases, I know, in which a man has been whipped more than once for the same offence; but that has been for neglecting to perform his task at the crank.

2144. Is not that a very exceptional occurrence?

I think if a flogging is properly administered, a man will not render himself liable to it a second time.

2145. Are you aware that of recent years the number of corporal punishments inflicted in prisons for prison offences has fallen off in a very large proportion?

Within the last two years more especially I think that has been the case.

2146. Can you inform the Committee of any causes which have led to that diminution?

I cannot, but there has been so much sympathy shown from without with prisoners that it has done great harm; that sympathy has been withdrawn from them when it might be most useful; that is to say, in providing them with employment when they come out of prison; but there has been a sort of ultra philanthropy towards prisoners, which has made them feel that they are the aggrieved party.

2147. Are you aware whether the number of corporal punishments for prison offences within your district has fallen off in the same proportion as it has in the south?

I think there are very few corporal punishments in prisons, except where they have the crank labour.

2148. Are you aware that a great reduction has taken place in your district?

Certainly there has been a great reduction in the number of corporal punishments.

2149. Can you attribute that to any specific cause?

There has been too much sympathy shown with prisoners, and the prisoners have been treated too leniently in many cases.

2150. Have you ever felt it your duty to communicate on that point, either with the governor, or with the visiting justices of any gaol?

Yes, I have seen offences which I considered to be lightly dealt with, and have recommended that, for a repetition of such conduct, the man should at once be punished with corporal punishment.

2151. Has your advice been acted upon?

It has in some instances. I have never made a special report upon the subject, but have communicated with the visiting justices.

2152. Duke of *Marlborough.*] With reference to labour, do you deprecate unproductive labour in gaols, as a general principle, as applied to hard labour?

The general use of the crank and treadwheel I do object to, the crank more especially; but I do not see the same objection to stone-breaking.

2153. Supposing that the crank and the treadwheel are used for unproductive labour, and are simply mechanical labour without any result, do you object to that system from its being unproductive?

I do; I think it irritates the men, and creates a bad spirit.

2154. Do you think it increases the punishment of labour to a prisoner to know that it is unproductive?

No doubt it increases the punishment.

2155. Your feeling of objection, then, with regard to the treadwheel, or the crank, would be less if it were used either to grind corn, or to pump water, or anything of that sort?

I think that it takes away very much from the irritation, when a man knows that he is doing some good with his labour.

2156. You stated, did you not, that you did not think that short sentences were of much avail in effecting any reformation upon a prisoner; but do you not think that short punishments may be deterrent?

No; I think that a man who is sent to prison for seven days, or 20 days, or a month, becomes marked, and he is not in prison long enough to enable us to exercise any influence for good over him.

2157. Take the case of a man who has not been accustomed to vice or crime, and who finds himself in prison for a month for an offence into which he has been hurried, and finds the prison to be a very unpleasant thing, and the discipline to be very severe, and that he is subjected to a great many things which he did not expect before he entered prison; do not you think that the recollection of that month's confinement may have a deterring effect upon that man in future?

I think that to a man of the character your Grace has described, a month's imprisonment would do more harm than good. If that man escaped the taint of a prison, and was bound over under certain securities, he would be more likely to turn out well than if he had been subjected to the discipline of the prison for a month; it is too short a period in itself to have any deterring effect upon him.

2158. When you speak of the taint of a prison, are the Committee to understand you to mean an ideal taint, or an actual taint?

No doubt the taint is in the crime itself; but I am referring to the way in which the class to which the prisoner belongs look upon him. They speak of a man who has been in prison as a gaol bird.

2159. Supposing that the system of separation is properly carried out in prison, so that a man does not get contaminated in prison, do you consider that there is a prejudice in any way against a man who comes out of prison after a month's confinement?

I think there is a strong prejudice against him; that is very much the case in England. As I mentioned just now, there is a strong sympathy shown with a prisoner so long as he is in gaol, but it ceases the moment he comes out; everybody turns his back upon him.

2160. Is not that rather the case with those who have been habituated to prison, and who have been in for long sentences; because if a man is to receive any taint in prison, that taint would be much more likely to fix upon him after a long sentence than after a short one?

Yes; but a man who has committed a serious offence cannot go on unpunished. You could not deal with him in any other way. You might leave a discretionary power with the magistrates to deal with lighter cases. For instance, when a man is committed for trial, he may be bailed out at the discretion of the magistrates; they might carry that system a little further, and bind a man over to good conduct, as well as to appear to take his trial.

2161. That would always resolve itself into a question of degree; you would admit that there were some offences for which a man must be imprisoned?

Doubtless.

2162. You stated, in answer to a previous question, did you not, that two months would be the shortest sentence that you would inflict?

I think that two months may be considered a short sentence.

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2163. Do you consider that two months would be a sufficient time during which any reformatory effect could be produced upon a prisoner, as contra-distinguished from a deterrent effect?

I mention two months, simply because I was called upon to state a time; but it would be presumption for me to say in what time you can hope to deter a man. For instance, in the case of a man who has been trained up to a life of crime, you may imprison him for two, four, six, or even twelve months, and hardly hope to have any influence over him.

2164. Might not characters of that sort be found who would commit a crime which could not in justice call for more than two months' imprisonment?

When a man is brought up for a crime, his general character should be taken into consideration in the sentence. I mean, for instance, if he had been in gaol before, or if he is known to be an associate of thieves or bad characters. Whereas, on the contrary, supposing a man to be well conducted generally, and to have been brought into prison, it may be for a petty theft, under the influence of some sudden temptation, you may hope that two months may have some good effect upon him.

2165. There are some offences, are there not, for which the law does not allow more than a certain duration of punishment?

I am aware of that, but it is a great evil that we do pass short sentences, which, in my opinion, do more harm than good.

2166. Taking the fact as it is, do you consider that when a sentence of two months' imprisonment is passed, it would be possible to reform a prisoner of the character which you have just described as having been an associate of thieves; could you have any reasonable hope of reforming him by any prison system of two months?

No, I do not think we could.

2167. In that case would you not lose the effect of punishment altogether, if that punishment, failing to be reformatory, were not sufficiently deterrent in its character?

I think the most deterrent discipline you can inflict, especially for short sentences, is very close confinement in a separate cell.

2168. Do you think that that is deterrent in itself without hard labour?

Yes, if by hard labour is meant the treadwheel or the crank. I think picking oakum is somewhat different; you must give the man some employment in a separate cell; in fact, nothing could be more severe to him than to shut him up in a separate cell without employment.

2169. It has been stated to the Committee in evidence, that some prisoners, from previous idleness of disposition, are not at all averse to being shut up in a cell without employment; your opinion would not coincide with that?

I think not; I have seen some Irish vagrants who would perhaps answer that character. If you would let them sleep, they would sleep day and night.

2170. Take the case of those Irish vagrants that you have just described; what mode of punishment do you consider to be the best to be applied to them in order to keep them out of prison?

I think separate confinement with task work would be the best punishment, or for such a man as I have just now mentioned, I would apply the treadwheel for short sentences. I mentioned just now that it was desirable to keep the treadwheel in reserve for such extreme cases as that of a man you could not employ in any other way.

2171. In any sentences which are usually carrried out in county gaols, the duration of which is not so great as in the case of those sentences which are carried out in convict prisons, do you think that the time of imprisonment is sufficiently long to have any reformatory effect upon a prisoner?

We have sentences of two years, and I think that that is ample time. If a man is placed under the separate system of discipline, and there is anything good in his character, it gives time for reformation.

2172. Do you think that the system of county gaols is such, admitting, as those gaols do, both of long and short sentences, as to enable that reformatory system to be carried out in them in the manner which you have described?

In many well conducted county prisons I think it is so.

2173. *Lord Steward.*] Have you known of any case in which a man coming into a county prison with a bad character has been discharged from it thoroughly reformed?

Yes; I frequently have names and particulars given to me.

2174. And have you been able to trace out a man afterwards, and ascertain that he had been so reformed?

In some cases I have inquired, and found years afterwards that they have been so. I have been addressed myself by a discharged prisoner in the street in Hull, who is getting on very well there.

2175. Had he been confined in a prison where there was no hard labour, and where industrial employment was the only means of reformation enforced?

Both systems were carried on, I think, with the prisoner I have alluded to.

2176. Is the case that you speak of rather an exceptional one, or have you known many others?

I am not in the way of meeting with many such cases, but I frequently have returns sent me by a chaplain or by a governor of cases of men who have been in gaol, and are now earning an honest livelihood, and doing well.

2177. What are the grounds on which you say that the performance of unproductive labour produces a feeling of irritation in the minds of the men who perform it?

I infer that from the general tone of the prisoners on visiting them, and from what I have heard from the prisoners themselves.

2178. Then you would be surprised, would you not, to hear that it has been given in evidence by the governor of a prison, that he has never remarked any such feeling of irritation in the minds of any prisoners under his control?

I should not be surprised to hear it, because I know one or two governors who are strong advocates of crank labour, and I know other governors who are equally strong advocates of industrial employment. I could mention governors who could each give good arguments in favour of their own view.

2179. Duke of *Marlborough.*] Is not the whole system of imprisonment, and the very fact of his being deprived of his liberty and subjected to rules, and discipline, and hard fare, of a character to irritate the mind of a prisoner?

I think not. In the case of prisoners who have been in a gaol where they have been associated, and afterwards were in a prison upon the separate system, they have told me they felt most thankful for the separation, and the opportunities for improvement offered them; some of those men turned out well when they came out of prison.

2180. The crank work labour, or even the treadwheel labour, need not necessarily interfere with separation; both those systems can be carried on, can they not, keeping separation still in use?

Yes, especially in the case of the crank, which may be carried on in a separate cell.

2181. Are you aware whether a convict feels in his mind, that there is a degree of injustice to him, in subjecting him to an employment which he knows to be unproductive?

I find, from my experience, that with some prisoners there is no punishment beyond the crank; that is the reason they are so frequently obliged to resort to corporal punishment for the non-performance of a man's task at crank labour. Many a man would sooner take a flogging than perform the crank labour.

2182. *Chairman.*] You mentioned just now, that you attributed a good many of the evils under the existing system to the spirit of what you termed ultra-philanthropy; will you state to the Committee some of those evils which have proceeded from that cause?

It is difficult to state directly any evils; but I think the general tone produced by it is, that prisoners feel themselves to be the aggrieved parties. They have, more or less, a craving for notoriety, and the sympathy which has of late been shown towards great criminals has encouraged this feeling with all classes of prisoners. Even the inquiry into the abuses in the hulks in 1847,

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and more recently at Birmingham, had a bad effect. Prisoners became more insolent and defiant, not only to their officers, but in some cases to the visiting justices. In Ireland the sympathy with prisoners follows them after their liberation, and they can always get employment. It is not so in this country; I have had frequent complaints from prisoners that the police and others interfere with them the moment they come out of prison, and they have no chance of getting employment.

2183. However, does not that state of feeling to which you have alluded re-act in a prejudicial manner also upon the authorities who are charged with the carrying out of Prison Discipline; and does it not induce them, as far as they can, to make their system conciliatory and palatable to the prisoners?

I have no doubt that it has had that effect upon some; I can call to my mind one case in which a surgeon complained of the labour being too hard in the prison. I met him on my way to the gaol, and he called my attention to it. When I came to inquire into it, I found that there was nothing in his statement; he then said, "Yes; but we shall have another Birmingham Inquiry here," showing that he was influenced by the fear of what had occurred at Birmingham.

2184. Do you believe that the prisoners within any gaol are aware of such communication being made by the surgeon, or by any other officer who may take a view adverse to that of the governor in desiring to relax the discipline of the prison?

I do not know any case that I can call to mind just now in which a surgeon, or a chaplain, or any other officer, has improperly interfered with the discipline.

2185. What I mean is this: would any communication of the nature which you have just described to the Committee, made either by a chaplain, or by a surgeon, reach in due course of time the ears of the prisoners themselves.

In the case I have mentioned, certainly it would not; for the communication was made to me, and of course I did not repeat it. But the same surgeon may have shown sympathy with the prisoners without my knowledge, and he may have spoken to them words to the same effect as he spoke to me.

2186. Are the prisoners perfectly well acquainted with any suggestions which are made for the relaxation of discipline?

Prisoners have extraordinary means of knowing what is going on, but I cannot say that they are aware of the suggestions made to the authorities with regard to the discipline.

2187. In alluding to any relaxations which have been effected, are you of opinion that the stringency of the diet has been unduly relaxed?

No; I think it is very necessary that the prisoners should have what is generally looked upon as a liberal diet; that is to say, according to our present rates of diet, as compared with workhouse diets. I have found in many cases, in comparing them, that the workhouse diets are as good, or sometimes better, than the prison diets; but I do not think the cases will bear comparison, the one man is under the depressing influence of imprisonment, and the other is not. The criminal has been in the habit of taking a certain quantity of animal food, and if you suddenly cut him off from animal food his health will be seriously injured. The experiment was tried some time ago of putting prisoners upon a low diet at Millbank, and the men got low fever. At the hulks, also, they tried the experiment of putting them on a lower diet, and it was stated to me at the time (it was before I inspected the hulks) by the medical man that their bones were "rotted" from the low diet. Those men had been accustomed to a generous diet, and upon their imprisonment they were cut off from all stimulants in the way of beer, or spirituous liquors; it was therefore necessary, if you put them to hard labour, that they should have a certain amount of animal food; this was looked upon with great jealousy; people said that they were too well fed.

2188. Are you aware that about 50 per cent. of the persons who are committed to prison are taken from the class either of labourers, or of very small tradesmen indeed?

I am

I am aware that a very large proportion of committals are from that class; I do not know the exact number.

2189. Are you aware that among the labouring class, at all events in a certain part of England, meat is hardly tasted once in the course of the week?

I think that the diet should be regulated in some measure according to the ordinary food of the same class of persons from which the prisoners are taken. For instance, in the manufacturing districts, you find that men get animal food every day; whereas if you go down to Dorsetshire, and some agricultural districts, they rarely taste it; perhaps once a week at the utmost.

2190. Would you be prepared to advocate a variable scale of diet, according to the different districts?

I think it should be so.

2191. Would not that involve a multiplicity of classes, and divisions of diet, that would be perfectly unmanageable?

The diet of each prison is recommended by the local magistrates, and sent for approval to the Secretary of State.

2192. Are you, therefore, of opinion, that uniformity in the scale of diet throughout the prisons in England and Wales, would be undesirable?

I think that it would be undesirable; for instance, an attempt was made formerly to introduce the English diet into Scotland; the consequence was, that the Scotch prisoners, who had been accustomed to a greater bulk of food, and not to animal food, could not be satisfied with the small bulk in animal food which they got in the English diet. The introduction of the Scotch diet into England was afterwards tried, and there the very reverse took place; they had been accustomed to a smaller bulk, and more nourishing food, and they became very ill. Some of them, I remember, were attacked with erysipelas and low fever, from the low diet that they had been put upon in prison.

2193. Earl of *Malmesbury*.] Had they been put upon oatmeal?

Yes, upon oatmeal, principally.

2194. *Chairman*.] Therefore, you would prefer the extreme discrepancies which exist at present in the different prisons in England, to any uniformity in diet?

Yes. I think that it would be wrong to give the same diet to prisoners in an agricultural district, where they rarely have meat, as you would give to prisoners in a manufacturing district, where they have meat every day.

2195. But do not very often men from the manufacturing districts find their way into prisons in the rural districts?

Yes, of course, it would be impossible to meet that; I mean that the diet of each prison should be framed somewhat in accordance with the ordinary food of the town or county in which the prison is situated.

2196. Does not a very considerable proportion of the inmates of every gaol include men who came from different parts of the country?

Yes, but these are generally vagrants and tramps, who are on the lowest scale of diet. In some of those gaols under three months they get no solid animal food at all; they get soup, but no solid animal food.

2197. Do you believe, therefore, that it would be impossible to construct a dietary such as would suit the average of men?

The danger would be that it would be both too much and too little, it would be too much for one class, and too little for another. As I stated before, a man who has not been accustomed to meat would find the diet very tempting and very good, whereas a man from the manufacturing districts, who had been always accustomed to meat every day, would suffer if it were suddenly stopped, as he gets no stimulants.

2198. Are there any gaols within your district where beer is allowed?

Not any.

2199. Earl *Cathcart*.] In your report for the year 1862, you state, do you not, that beer is allowed in the Birmingham Gaol?

 Yes;

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Yes; but in the cases alluded to ale was ordered by the surgeons on medical grounds, and we have no control over that.

2200. But is it not rather remarkable that there should be 59 prisoners in one gaol at one time receiving allowances of ale, as you state in your report?

I took that from the return of the surgeon. I do not know the individual circumstances, but it was given to prisoners under medical treatment, and we have no control over that.

2201. Are you aware of the same circumstance ever having occurred in any other prison, that it was necessary to give a quantity of ale to a number of prisoners?

Men under medical treatment constantly have wine and brandy given them, but it is only when they are under medical treatment. I was speaking just now of the ordinary diet.

2202. Does not 59 appear to you to be a remarkable proportion as receiving ale?

No; 59 is not a very large number, I think, of the total number of commitments, which is 1,951.

2203. *Lord Steward.*] Does it appear that those 59 were receiving this allowance all at one time throughout the year?

During the year ale was issued to 59 prisoners while they were under treatment by the surgeon.

2204. Earl of *Malmesbury.*] Do you find that when prisoners first come to prison, who have been in the habit of drinking stimulants, that they miss them very much, and become very much depressed in consequence?

That varies very much in the different districts; and as my visits are only occasional, I cannot know how many days each man has been in prison.

2205. But you stated, did you not, as a reason for giving them the quantity of meat and food that is allowed, that they had been accustomed to stimulants before they were put in prison, and that those stimulants were stopped when they entered it.

I did so, but my meaning was this, that prisoners, generally speaking, of that class in the manufacturing districts, get daily a certain amount of beer or other stimulant before they come to gaol; they receive no support of that sort when they are in gaol, and therefore, if we were to cut off the animal food as well as the stimulant, we should find them generally fail in health; that is what I intended to convey.

2206. Marquess of *Salisbury.*] Are you aware of the diet in the military prisons?

Yes, I have seen something of it.

2207. Are you aware that the diet in the military prisons is very considerably lower than the diet in most of the civil prisons?

Generally the periods for which they are sentenced are so much lower.

2208. The diet is given at the 56th page of Sir Joshua Jebb's report on military prisons, in which meat is entirely excluded; are you aware that, with the exception of the prisoners at Aldershot and Devonport, the scale of diet in those prisons is much lower than in any other gaol in the kingdom?

I do not know the present scale of diet in the military prisons, but my impression is that it is not lower than the prisoners receive who are sentenced for the same periods in our criminal prisons.

2209. Are you aware that meat does not form a part of it at all?

I was not aware that it did not form a part of the diet for long sentences.

2210. Are you aware that it does not form a part of the diet for sentences after 56 days?

The sentence seldom exceeds three months, I believe in military prisons, but I was not aware of the fact.

2211. Are

2211. Are you aware that there is a return also given in this report upon military prisons of the health of the prisoners?

I have not seen that return.

2212. You stated just now that meat was necessary in some parts of the country and not in others, according to the usual diet of the locality; are you not aware that in the army, persons are drawn together from all parts of the country.

Yes; but the sentences of prisoners in a military prison very seldom exceed three months.

2213. Did I wrongly understand you to state that your former answer referred only to longer sentences than three months?

To prisoners under three months; they have soup three times a week, but I think they have very little, and in some prisons no solid animal food under three months.

2214. Are you aware that in Class 3 of the Government Dietary, convicted prisoners employed at hard labour for terms exceeding 21 days, but not more than six weeks, and convicted prisoners not employed at hard labour for terms exceeding 21 days, but not more than four months, are entitled on Sunday and Thursday to a pint of soup, and on Tuesday and Saturday to three ounces of cooked meat without bone?

That is altered in some gaols. I think it will be found that prisoners under three months get very little or no solid animal food.

2215. In your opinion, is the dietary laid down by the Secretary of State more than sufficient for the support of prisoners at hard labour?

That depends upon the locality.

2216. Lord *Wodehouse.*] Are you speaking now of the diet approved by the Secretary of State, or are you speaking of the diet which has not been approved by the Secretary of State?

The dietaries of prisons are all sent up from the different prisons; they vary very much; in one county they may have more animal food than in another; but I think you will find that they receive very little and in some prisons no animal food until they have been three months in gaol.

2217. Is there not a scale which is generally recommended by the Government, though it may not be universally adopted?

Yes, and I have always recommended a graduated scale; but it must be regulated in a great measure by the habits of the people in the neighbourhood. I recommend to the visiting justices that they should draw up a diet table upon this system, that is in proportion to the period for which the prisoners are sentenced.

2218. Marquess of *Salisbury.*] Then you do not think it desirable that the rate of diet prescribed by the Home Office should be followed?

Not in all cases. I think it is more the principle upon which this diet is framed that is recommended, than the absolute diet; and I look upon it as a maximum diet.

2219. With regard to this diet which you say is the maximum of the class, are you aware that Class 2 has been called by a witness, who has given evidence before the Committee, starvation?

No; but class 2 is intended to deal with vagrants; those classes were framed with that object.

2220. You cannot limit it to vagrants, because a man may be convicted for any offence, and the justices may send him for 14 or 21 days; practically he is not in imprisonment for 14 or 21 days, with the diet of that class, a much more severe punishment than a longer term with a higher diet?

I am aware that the magistrates frequently commit persons for the shorter periods in order to give them the lowest class of diet, but that is done generally in the case of vagrants.

2221. That may be for any offence against the person, or against property, or any other summary conviction, may it not?

Precisely.

 2222. *Chairman.*]

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2222. *Chairman.*] Are you of opinion that in dismissing a prisoner from his confinement you are bound to send him out in the best possible physical condition of health, or in that state of health in which he entered the prison?

I think that it is our interest, as well as our duty, to send a man out physically able if he is so disposed to earn an honest livelihood.

2223. Therefore you would endeavour by means of diet to improve his constitution and his physical powers to the utmost?

I would not leave it to the prisoner to say, "I was so reduced when I came out of prison that I was physically incapable of earning an honest livelihood."

2224. Would it be the duty of the governor and the surgeon, in your opinion, to improve that man's physical energies and powers to the highest point?

I would not say to the highest point; I think that no indulgence should be allowed but simply what is necessary to maintain a man in health so that he can earn his livelihood when he goes out. I would forbid any indulgence; and would make the diet as simple as possible, giving the required nourishment.

2225. Are you of opinion that, in your district, there are any indulgences in the matter of diet?

No, I do not think there are.

2226. You do not believe that the dietary in any prison under your inspection contains what may be termed indulgencies?

So far as I can speak from my knowledge at present, if I had observed anything of that sort in my inspection, I should certainly have called attention to it.

2227. Do you carry in your mind the dietary of Wakefield, for instance?

Yes, I do.

2228. Are you aware that there is a very great variety in that dietary?

They are trying a new system there which has been adopted for six months, as an experiment.

2229. Since when have they tried it?

I think that the six months for which it was adopted must be very nearly run out now.

2230. Does the variation of the food which is comprised in that dietary represent the experiments which are now being made?

The experiments are not confined to the diet. There are certain privileges attached to good conduct. It was, I believe, in consequence of the report of four of the visiting justices who went to Ireland; they wished to embody in their discipline some points of the system that they had observed there, and to grant to the prisoners certain privileges which they might attain to by good conduct. An improved diet is among those privileges.

2231. Could you put in as a return to the Committee the dietary as it was previous to those experiments, and the revised dietary with the experimental changes?

Yes; I will get the return made out, and furnish it to the Committee.

2232. Can you state to the Committee the instructions that you received from the Secretary of State with regard to your duties as inspector?

I will put in a copy of them.

2233. Have those instructions been varied at any time?

Not since I have been an inspector.

2234. Are the instructions which you received in 1851 the same as those under which you act now?

Yes; I received a printed copy of the instructions which had been issued to other inspectors.

2235. Duke of *Marlborough.*] Do you find that your district is well within the compass of your inspection?

I have undertaken the district; and as I mentioned before in the year that has now passed, I have inspected every gaol, with the exception of five; my omitting

omitting to inspect these was partly occasioned by illness which called me home more suddenly than I anticipated. I was going on to the Isle of Skye when that occurred.

2236. You consider, do you not, that in order to ensure an efficient inspection each gaol should be inspected annually?

I certainly would not omit the inspection of a gaol at least once in each year if I had any fear as to how the discipline was going on.

2237. Do you find that you are able to go all over your present district with ease and efficiency?

Yes; I can visit all parts of my district without difficulty.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, One o'clock.

Die Jovis, 26° Martii 1863.

LORDS PRESENT:

Duke of MARLBOROUGH.	Earl CATHCART.
Marquess of SALISBURY.	Earl of DUCIE.
LORD STEWARD.	Earl of DUDLEY.
Earl of CARNARVON.	Lord WODEHOUSE.
Earl of MALMESBURY.	Lord LYVEDEN.
Earl of ROMNEY.	

THE EARL OF CARNARVON in the Chair.

GEORGE EVEREST, Esq., is called in, and examined as follows:

2238. *Chairman.*] WILL you be good enough to state to the Committee what office you hold at the Home Office?
I am principal clerk for criminal business.

2239. How long is it since you were appointed to that office?
I was appointed in 1847.

2240. Since that time you have given consideration, I presume, to all those matters which would be included under the criminal business of the office?
I have.

2241. You are probably aware of the changes which have taken place of recent years in the system of inspection with regard to county and borough prisons?
I am.

2242. Will you state to the Committee briefly what those changes have been, so far as they have fallen under your cognizance in the Home Office?
The first change was that of the appointment of inspectors of prisons under the Act of the 5th and 6th William the Fourth, chapter 38. Five gentlemen were originally appointed to those offices, but they have by degrees been reduced to the present number, two. The Act under which they were appointed was amended by another Act, the 2nd and 3rd of Victoria, chapter 42, but that Act did not in any way interfere with their functions.

2243. Are those the two principal Acts?
Yes, those are the principal Acts, except the original gaol Act of the 4th of George the Fourth, chapter 64.

2244. Is the appointment of the inspectors revokable at the pleasure of the Secretary of State?
The appointment is revokable.

2245. What is the salary which the inspectors receive?
The salary was originally 700*l.* a year, but it is now 800*l.*

2246. Not including travelling expenses?
No, they are extra altogether.

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2247. Are there any qualifications for the office?
No special qualifications that I am aware of. There has always been one medical inspector.

2248. *Lord Steward.*] At present the country is divided into two districts, one of which is visited by one, and the other by the other inspector?
Yes.

2249. And the one which is not visited by the medical inspector derives no benefit whatever from his medical knowledge and experience?
None, but the medical inspector is referred to by the Secretary of State on all questions upon which any medical point arises.

2250. Would not that rather lead to the inference that it would be better if each district were visited alternately by the two inspectors, if it is thought desirable to have medical inspection?
I can hardly give an opinion upon that point. The medical inspector, no doubt, is very useful in all cases where any medical point arises, but that is not very often the case. The question of diet, for instance, is one more particularly for the medical inspector.

2251. *Chairman.*] Whenever any medical question has arisen, in what way has the Secretary of State dealt with it, and to whom has he referred it?
Usually to the medical inspector.

2252. Therefore, if a question arose at this moment in the northern district, with regard either to diet or to any matter of a medical nature, that question would be referred to Mr. Perry's consideration?
Yes, it would, if of a purely medical character.

2253. And the Secretary of State would be guided exclusively by Mr. Perry?
Mainly; I can scarcely go the length of saying exclusively, but to a great extent it would be so.

2254. Will you be good enough to put in the instructions which the Secretary of State gives to the inspectors?
I understand that instructions to the inspectors were prepared in the Secretary of State's office many years ago, but I was not cognizant of them, and never saw them.

2255. You are not aware whether any have been issued?
I have no personal knowledge of the fact. I have been told that instructions were prepared in 1849, but I very much doubt whether they were issued.

2256. Can you put in a copy of those which were prepared?
I have not a copy with me; I believe there is a proof copy in the office, and that is the only copy that I am aware of.

2257. Will you be good enough to put it in as a return and forward it to the Committee?
Yes, if I can procure it.

2258. Is there any rule laid down by the Secretary of State as to the number of visits which are to be paid by the inspectors to the several prisons during the course of the 12 months?
None; that is left entirely to their discretion.

2259. According to the general practice of the office, has it been customary to expect that those prisons should be visited at least once in every year?
Certainly, it is understood that that is the practice.

2260. Taking into consideration the terms of the Act of Parliament under which the inspectors exercise their powers, is it the inference, in the opinion of the office, that that visit ought to be paid once a year?
Certainly, at least once a year.

2261. Would you feel it your duty, in the event of a visit being delayed for more than 12 months, to call the inspector's attention to it, and require some explanation?
That would be a question for the consideration of the Secretary of State; it has never been done.

2262. Is any return made of the number of visits and the time at which they are paid?

None whatever; the reports of the inspectors show the prisons visited in the course of the 12 months.

2263. Are the printed reports which are laid every year before Parliament the whole of the information which the Secretary of State derives from the inspectors?

The whole, except any special case occurs requiring immediate attention, and then a special report is made to the Secretary of State.

2264. Do those special reports ever appear in the Annual Report?

No, they do not; they are directed entirely and exclusively to the Secretary of State.

2265. Where those special reports refer to some cause of complaint, or some abuse which exists in any prison, has it ever been the practice to lay them before Parliament, together with the annual report?

No, that has never been done.

2266. Can you state generally what are the causes of any extraordinary visit which an inspector may be called upon to make?

The occurrence of any unusual event, such as insubordination, the outbreak of disease, the complaint of a prisoner of ill treatment, or the contravention of some one of the prison statutes, would lead to an extraordinary visit from the inspector. In such cases he makes a special report to the Secretary of State, who usually calls upon the visiting justices for explanation.

2267. Has the inspector the right of himself, *ex proprio motu*, to pay an extraordinary visit to any prison, or is it necessary for him to obtain the sanction of the Secretary of State?

He can visit a prison at all times, whenever he thinks fit to do so.

2268. Can you state the principle upon which the reports of the inspectors are compiled?

No, I cannot. I presume that they make memoranda at the period of their visits, from which they subsequently compile their reports.

2269. Is there any rule laid down by the Home Office with regard to the practice which ought to exist upon that point?

None at all.

2270. When those reports come before the Home Office, what is the course which is adopted there?

They are laid before the Secretary of State, and he gives directions for their presentation to Parliament.

2271. Is it the duty of any particular department of the Home Office to consider the report?

No, no duty of that kind has ever been laid down or defined in any way.

2272. Then, as a matter of fact, the report reaches the office, and passes through the office of the Secretary of State as a mere matter of form?

Quite so.

2273. As a general rule, no comment is made upon the report either by any one in the office to the Secretary of State or by the Secretary of State to the magistrates?

As a general rule, none.

2274. *Lord Steward.*] Does the Secretary of State, for instance, make any communication to the magistrates if he finds in a report any complaint?

He has done so in several cases where his attention has been specially drawn to a statement in the inspector's report.

2275. *Chairman.*] The Committee have become aware, by the evidence of several witnesses, that the reports of the inspectors are not laid before the court of quarter sessions; in your opinion, would it be a desirable change that they should be so laid before them?

I think they should be laid before the court of quarter sessions, and I have reason to believe that they always were so until recently.

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2276. Will you state what the reason is for the discontinuance of that practice?

The Treasury thought fit to give directions for reducing the number of Parliamentary papers issued for gratuitous distribution, and the inspectors consequently, instead of being supplied with 700, are now supplied with only 50; and therefore they are unable to distribute them as they used to do.

2277. Under the former plan, was it the practice of the inspector to send to the chairman of each set of visiting justices a copy of the report?

One copy, I think, was sent to the clerk of the peace of the county; another to the visiting justices of each gaol, and others to the governor, chaplain, and surgeon.

2278. Earl *Cathcart.*] Do you not think it would be very desirable that, if possible, the inspector's report, relating to a particular gaol, which he has lately inspected, should be sent as soon as possible after his visit to the visiting justices, to be appended to their report, and to be presented to the court of quarter sessions?

I think it would be very desirable.

2279. Do you see any difficulty in the way of that being done?

There would be none, that I am aware of.

2280. It would be very analogous, would it not, to the system now adopted with respect to the inspectors of police who send their reports to the police committee in the gaol?

It is the same thing in principle.

2281. *Lord Steward.*] The expense of doing so would be very small, would it not?

Very inconsiderable, I think.

2282. *Chairman.*] In your opinion, I presume, it would be desirable to send such copy rather to the court of quarter sessions, to be considered by the magistrates at large, than to the chairman of the visiting justices?

I think that the visiting justices should have a copy; it would be convenient to them.

2283. Therefore you would send a copy in each case?

Yes, I would send a copy to the visiting justices, and another to the clerk of the peace for the use of the court of quarter sessions.

2284. The Committee have had it in evidence that, as a rule, communications do not pass between the inspector and the visiting justices of the gaol which is inspected. In your opinion, would it not be desirable to make an alteration in that respect?

I do not quite know what the practice is with regard to communications between the prison inspectors and the visiting justices; but I was under the impression that communications did pass between them.

2285. Assuming that the evidence which we have had is correct, would you not say that it is desirable that there should be communications between the inspectors and the visiting justices on any subjects relating to the discipline or to the management of the prison inspected?

I think that they would be very convenient.

2286. Does it not almost stand to reason that the visiting justices, with whom the whole machinery of prison discipline rests, should be in communication to that extent with the inspectors?

It is quite reasonable certainly.

2287. Duke of *Marlborough.*] In the case of borough gaols, to whom do you consider that the report should be sent?

To the mayor of the town.

2288. You would recommend the same practice to be adopted, would you not, with regard to borough gaols as with regard to county gaols?

Certainly.

2289. *Chairman.*]

2289. *Chairman.*] Are you aware of the Act of Parliament which gives the power of amalgamation between borough and county gaols?
Yes.

2290. Are you aware whether that has been acted upon?
If the question refers to the Act which authorises the making of contracts between boroughs and counties, that has been acted upon frequently.

2291. Has the clause which allows the amalgamation of the borough gaol itself with the county gaol ever been carried into effect?
I am hardly prepared to answer that question. I do not remember any instance at this moment.

2292. Are you cognizant of the state of the borough prisons?
Not personally cognizant, but I have reason to believe that some of them are in a very defective state.

2293. Are you aware that many of them are very small establishments, and that the expense of maintaining them, and the efficiency of the machinery, are altogether out of proportion?
They are most of them too small to be efficient.

2294. Would you consider it a desirable change if power were given to the Secretary of State to require the removal of prisoners from a borough prison to a large county establishment?
I think that a power of that kind is highly necessary.

2295. Would there be, in your opinion, any difficulties in carrying that change into effect?
I am not aware of any.

2296. *Lord Steward.*] You state that power should exist; in whom would you vest that power?
In the Secretary of State; to make it compulsory on the part of the borough authorities, if he saw sufficient occasion for it.

2297. *Chairman.*] The Secretary of State, as a general rule, has been very diffident, has he not, in enforcing upon the magistrates of counties measures which even in his own opinion might seem to be desirable?
Very much so indeed. I have always observed a great disinclination on the part of the Secretary of State to interfere with the discretion of the magistrates.

2298. Supposing that such a power as that to which I have alluded, namely, the power to enforce the removal of borough prisoners from borough prisons to county establishments, were given to the Secretary of State, do you conceive that there would then be the same amount of disinclination on the part of the Secretary of State to act on the power thus given?
I think not. One reason of the present diffidence I believe to be, the want of adequate power on the part of the Secretary of State to enforce his views.

2299. You are aware, are you not, that there is a very large discrepancy in the general system of the borough and county gaols in this country?
I believe there is a very considerable discrepancy.

2300. Are you aware that the Act of Parliament and the rules which have been issued by the Government for the guidance of the visiting justices, contemplate the existence of certain prison rules?
Certainly.

2301. Are you aware that there are several prisons in which no rules whatever exist?
I have reason to believe that there are several prisons in which no rules have been certified, as required by the Act of Parliament.

2302. Has that been reported to the Secretary of State?
Not officially.

2303. Has it never appeared in any report by the inspectors?
I do not remember having seen anything of the kind stated.

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2304. Assuming that such a report were to be made, what would be the practice of the office?
I take it that the course would be to call upon the Court of Quarter Sessions to make rules under the statute, and to submit them to the Secretary of State for approval.

2305. And supposing that the court declined to make such rules, what would be the course?
That would be a contravention of the Act of Parliament, and might be the subject of an indictment, or proceedings might be taken by mandamus, in the Court of Queen's Bench.

2306. Are you aware that there are many gaols in which there are no certified cells?
I believe there are some.

2307. Has the Secretary of State ever taken any action on that subject?
I think there was an instance of that sort some time ago.

2308. The Committee have had it in evidence that there are a large number of prisons where the system of association of prisoners is still in force. Has the Secretary of State ever called attention to that fact?
I think not. That is a matter which has always been left entirely to the discretion of the magistrates.

2309. Has the Secretary of State ever, within your knowledge, called attention to any cases where the discipline might be thought to be unduly relaxed?
I have no immediate recollection of any case of that kind.

2310. The dietary which the Secretay of State puts forward is not a compulsory dietary upon the magistrates, but it is merely a dietary for their guidance, is it not?
That is all.

2311. In those cases where representations have been made to the Secretary of State that the dietary was either above or below that allowed by the Government, and issued in their set of rules, has the Secretary of State, as far as you remember, ever taken any action?
Any question of that kind which is brought under his notice is invariably referred to the inspector of the district.

2312. Therefore if the inspector reports the existence of an abuse, the Secretary of State refers back that report to the inspector?
No, to the visiting justices.

2313. Does the Secretary of State put himself in direct communication with the visiting justices?
Yes, continually; the inspector has no power whatever to act in any way.

2314. Duke of *Marlborough*.] You stated just now that in the event of the provisions of the Act of Parliament not being obeyed by the justices or by the quarter sessions, there would be a remedy by a mandamus in the Court of Queen's Bench: are you not aware that the Act of the 5th and 6th of William the Fourth, chapter 38, enacts that the Secretary of State, if he does not approve of the rules which are sent up for his approval, or on the failure of the magistrates to send up proper rules, may frame rules himself which shall be binding upon the magistrates?
Yes.

2315. Has that taken place in any instance?
That power has never been exercised in any one instance.

2316. It has been stated in evidence before the Committee by witnesses, that that clause is inoperative in consequence of there being no penalty in the Act of Parliament, which enables the Secretary of State to enforce the provisions which the law has put in his power. Is that the case?
That may be so; there is no penalty, certainly.

2317. Is not there in that case the same remedy which you suggested just now,

now, namely, that the Court of Queen's Bench should issue a mandamus, to require the justices to fulfil the provisions of the Act of Parliament?
No doubt the same remedy would apply.

2318. In fact the law, as it stands now, is sufficient for the purpose, if it is put in force?
As regards rules and regulations, it is so.

2319. Can you state any reason why the law has not been put in force with regard to those rules?
It arises, I think, solely from the disinclination of the Secretary of State to do anything which may be, or may be considered to be, distasteful or offensive to the magistrates.

2320. Are you aware that there are many instances in which prisons have failed to be provided with proper rules, in consequence of the disinclination on the one hand of the justices to frame those rules, and of the Secretary of State on the other hand to enforce them?
I believe that there are several instances of that kind.

2321. Do you think it would be objectionable that that state of things should continue?
Certainly.

2322. Lord *Wodehouse*.] You stated just now, that you thought that the Secretary of State might with advantage have power to enforce the rules; but if the Secretary of State is disinclined to exercise that power, what advantage would there be in enacting a law to give him further power?
I think the whole difficulty would be cleared away if the Secretary of State were empowered to lay down rules for the government of all prisons.

2323. You have stated that the Secretary of State might by mandamus enforce the rules which he never has enforced, because of his disinclination to do anything that is disagreeable to the magistrates. What reason is there to suppose that if the law is changed he would be inclined to do then what he is not inclined to do now?
I think the subject would be relieved from all difficulty if it were placed entirely in his hands; and if the rules, instead of being made by the quarter sessions, were made by the Secretary of State.

2324. Duke of *Marlborough*.] Does not section 6 of the 5th and 6th of William the Fourth actually place the whole thing in the Secretary of State's hands?
It may be considered to do so, but according to the present practice it is inoperative.

2325. Will you be good enough to read section 6 of the 5th and 6th of William the Fourth, chapter 38?
"And be it further enacted, that in case of any clerk of the peace, clerk of gaol sessions, or chief magistrate of any city, town, borough, port, or liberty, neglecting or omitting to transmit to one of His Majesty's Principal Secretaries of State copies of the rules or regulations in force for the government of any prison which he is required by this Act to transmit, it shall be lawful for one of His Majesty's Principal Secretaries of State, after the 1st day of December in every year, to certify what rules and regulations he deems necessary for the government of such prison; and the rules and regulations so certified by such Secretary of State shall henceforth be binding upon sheriffs and all other persons, and shall be the only rules in force for the government of such prison."
I am quite aware that that clause has never been acted upon.

2326. With regard to that clause, does not it put the whole power entirely in the hands of the Secretary of State when the magistrates on their part fail to provide proper rules for the prison?
No doubt it does.

2327. *Chairman*.] Are the Committee to understand that you would go so far in your recommendation as to say that it would be desirable that the

Secretary of State should henceforward make the rules for all the prisons, and that those rules should be obligatory upon all prisons?

I think that would be very desirable, and would remove all difficulty.

2328. Would not that be equivalent to a very serious curtailment of the local jurisdiction of the magistrates?

I do not think it would very materially interfere with the discretion of the magistrates.

2329. Would you not find some difficulty in persuading the gentlemen who now discharge the duties of visiting justices to act for the future, if the rules were to be uniformly laid down by the Home Office in all their details?

It is very likely that any proposal of that kind would meet with some opposition.

2330. After all, the only rules which are really necessary might be reduced to a very small number, might they not?

Not a small number, I think. What are called the official rules and regulations, that is to say, those which are recommended by the Secretary of State for adoption, are reduced to as small a form as possible.

2331. Would it not be possible to lay down those rules which are really necessary, as well by an Act of Parliament as by the authority of the Secretary of State?

Many rules are laid down by the 4th of George the Fourth, chapter 64, as to classification and other matters.

2332. Does not it occur to you as being a course of proceeding which would obviate many of the difficulties that might arise, if the power were in the Secretary of State of laying down at his own discretion rules which are to be binding on all the prisons?

Yes, I think so.

2333. Therefore, you would prefer legislative action to the mere action of the Secretary of State?

Certainly.

2334. Lord *Wodehouse.*] After you have had legislative action, and have laid down in the Act of Parliament a code of rules, who is to enforce that code?

The Secretary of State must be entrusted with some means of enforcing the rules.

2335. What means could you entrust him with?

The best means would probably be a penalty; but that would be a question for consideration.

2336. What leads you to suppose that the Secretary of State would take steps to enforce such rules, when he does not take any steps to enforce the present law?

Because the justices at present make their own rules, and he feels very great difficulty in interfering with them. If the law were to make them, or if the Secretary of State were to make them, it would be a different matter, and he would no longer feel any difficulty; at least, I venture to think so.

2337. Do not you think that it is more probable that the only way of giving power to the Government to enforce the rules, would be for the Government to pay a certain portion of the cost of the prisons, and to withhold its quota, unless the magistrates observed certain rules?

The Government pays a considerable portion of the expense already, that is to say, certain expenditure connected with the maintenance of the prisoners, for fuel, food, clothing and bedding.

2338. Can you inform the Committee what proportion is paid, and under what conditions?

The whole of the expense of the food, fuel, clothing and bedding for prisoners after conviction.

2339. The fact being as you have stated, would not it be possible to give the Secretary of State power to withhold that payment, in cases where the rules which

which he laid down under the authority of the Act of Parliament were not complied with?

Certainly.

2340. *Chairman.*] And would not some such course of proceeding be in conformity with the principle which has been adopted in the County Constabulary Act, where a part of the Government payment is dependent upon the action of the county?

No doubt it would.

2341. Upon the county that probably would work much better than any penalty, inasmuch as the penalty would come out of the pockets of the rate-payers?

That would depend upon the nature of the arrangement.

2342. Marquess of *Salisbury.*] You stated, did you not, that the Secretary of State is in the constant habit of communicating with the Chairman of the Visiting Magistrates?

Yes.

2343. And not with the Chairman of Quarter Sessions?

When any question is raised as to prison discipline the Secretary of State always refers to the Visiting Justices.

2344. Would it not be rather desirable that it should be to the Bench, generally in the shape of a communication to the Chairman of Quarter Sessions?

That would depend in a great degree upon the nature of the question at issue, I think.

2345. Would it not have the effect of bringing forward the conduct of the Visiting Justices, if the case was put to the Chairman of Quarter Sessions?

No doubt it would.

2346. Would that be desirable in your opinion?

In some cases it might be desirable.

2347. Earl *Cathcart.*] The Home Secretary is constantly in communication with the Visiting Justices, is he not?

Continually.

2348. Duke of *Marlborough.*] Are you aware whether the Secretary of State has the same disinclination to interfere with the borough magistrates that he appears to have with regard to the county magistrates?

Practically, it is the same thing.

2349. *Chairman.*] Are you aware that, under certain circumstances, the governor of the gaol is appointed by the sheriff?

Yes.

2350. On the other hand the gaol governor is always paid by the magistrates?

Always.

2351. Are you of opinion that that is a satisfactory arrangement?

I think not.

2352. Ought not the appointment to rest with those who pay the salary, so that the responsibility should be as far as possible undivided?

That would seem to be the consistent arrangement.

2353. Do you think that it would be a desirable alteration if the appointment were vested in the quarter sessions?

I think that all such appointments ought to be vested in the court of quarter sessions.

2354. Earl of *Romney.*] You are aware, are you not, that the sheriff is responsible for the safe custody of the prisoner?

Yes, quite so.

2355. Is it fair, seeing that the sheriff is deeply responsible in money for the safe

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safe custody of the prisoners, that the governor of the prison should be appointed by others?

A difficulty arises out of that consideration undoubtedly, but still I think that the court of quarter sessions of the county might be safely trusted to appoint a proper and competent person to fill the office of governor of a gaol.

2356. Practically, the sheriff being also ordinarily a justice of the peace, does it not usually arise that there is no dispute at all between the two authorities, and that each works with the other cordially; and that while the sheriff appoints to the gaol, the justices appoint the same individual to the House of Correction?

Usually, I believe it is so; but I have heard of an instance to the contrary.

2357. That is a single instance, and it would not upset the general rule?

No, it would not. It should be borne in mind that the governor of the gaol gives a bond to the sheriff to indemnify him against any loss arising through escape of debtors.

2358. Might not the justices appoint a person who was very fit to have charge of the House of Correction, but who would not be able to get a bond?

No doubt.

2359. Then you are of opinion, are you not, that they might not be able to get the best men?

It is possible.

2360. *Chairman.*] Do you think that, practically, you would get worse men if the choice rested with the quarter sessions?

I think that the chances are that you would get the best men.

2361. Earl of *Romney.*] Probably you would get the same men?

Perhaps the same.

2362. *Chairman.*] In your opinion, there is an anomaly under the present system?

I think there is.

2363. Have you ever considered the expediency of some change with regard to the identification of prisoners after a previous conviction?

Frequently.

2364. You are aware that it is a very great evil in the law courts, that although there is a moral certainty that a man has been previously convicted, yet it is impossible to prove it?

I have no doubt that a large number of instances of that kind escape detection altogether.

2365. Are you aware whether any arrangement with regard to the photographing of prisoners would be likely to be attended with advantage?

That is done in some prisons, but with what effect I hardly know; I believe that some identification has taken place through the means of photographs.

2366. Do you know whether it has been attended with success?

I have not heard whether it has been generally successful or not.

2367. Have you considered the possibility of effecting an arrangement for the better communication between prison and prison on the subject?

I have thought upon the matter, but nothing has suggested itself to me as being at all likely to be effectual.

2368. Is that a matter which has ever been brought under the attention of the Secretary of State on account of the practical difficulties arising from the want of such communication?

The fact has incidentally come before the Home Office on many occasions; but I do not remember at this moment that any direct application has ever been made to the Secretary of State on that point.

2369. You are of opinion that it would be very desirable if it were possible?

Highly desirable in every way.

2370. Has

2370. Has any suggestion ever been made to the Home Office on that subject?

Not that I remember, except that of branding.

2371. When you speak of branding, you mean affixing a mark which might be done by a very painless operation on some part of the body where it would not be seen?

Yes, in the same way as marking a deserter, for instance.

2372. Is there any method whatever by which, in your opinion, it is possible to affix a mark which shall be ineffaceable?

Yes; I believe that is the case in marking deserters; I am told that it is impossible to eradicate the mark.

2373. Do you see any objection to such a proceeding?

I cannot say that I see any objection to making a mark of that kind on a man who has been convicted of felony.

2374. Do you think that there would be any objection entertained if the prisoner were marked on a second conviction?

There certainly would be less objection in a case of that kind than might be supposed to exist after the first conviction of felony.

2375. Can you conceive any reasonable objection being made to such a practice?

I am not aware of any, though I think that it is possible that objection might be raised.

2376. Earl *Cathcart.*] Would not one objection be that you would preclude all possibility of a man's commencing a new career if you were to mark him?

That might be urged, but such marks would not be apparent except upon examination.

2377. *Chairman.*] Practically, does not flogging, such as is administered in the Army and Navy, leave a trace upon the man's back?

I believe so.

2378. It would be, consequently, possible to identify a man who had undergone corporal punishment, would it not, by those marks?

That could always be done.

2379. You are aware of that?

Yes; I have heard it over and over again.

2380. Do you believe that there is a further cause which has led to a difficulty in identifying prisoners previously convicted, in the low scale of remuneration which is allowed for the attendance of witnesses?

I have understood that there has been a great unwillingness on the part of prison officers to travel to a distance to give evidence so as to identify a prisoner, in consequence of the low rate of remuneration to witnesses.

2381. Has a representation to that effect been very frequently made to the Home Office?

Very frequently, I believe.

2382. Has it produced any change or any revision of the scale as it was originally determined?

I believe that the Secretary of State has recently amended the scale with regard to certain classes of witnesses.

2383. Are you aware whether there have not been very great complaints since that revision took place?

That has not come within my own knowledge. I have not heard of any complaints; but the revised scale has only been very recently adopted.

2384. Can you put in a return showing the scale of allowances as it previously existed and the revised scale which has recently been adopted?

I can procure the two scales for the Committee.

2385. Earl *Cathcart.*] There are only about 160 prisons in England and Wales; would there be any difficulty in circulating some paper, in the nature

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of a Police Gazette, or in the nature of Notes and Queries, amongst all those prisons?
I do not know that there would; there is a Police Gazette already published.

2386. I mean an analogous paper to Notes and Queries, regarding prisons?
I do not know that there would be; it would lead to some expense.

2387. Have you anything to do with the Police Gazette?
Nothing whatever.

2388. Earl of *Ducie.*] Do you think that the existing number of prison inspectors, namely, two, is sufficient for the work that they have to perform?
I think quite so.

2389. *Lord Steward.*] Do you think it better that the country should be permanently divided into two districts, to be regularly inspected by the same inspector, or that they should visit the districts alternately, as in Ireland?
Something may be said on both sides of that question; but it is generally remarked, I think, that it is more convenient to have one inspector for one district. They become better acquainted with the mode of administering the discipline, and they are better able to revert to circumstances which have taken place at some prior period, which is sometimes desirable.

2390. Lord *Wodehouse.*] Are you aware that, in point of fact, the inspectors do not visit each prison every year now?
They do not, I believe, sometimes; it is clear that they cannot, because every prison in their district is not always reported upon in their annual report.

2391. Would it not be desirable to make it imperative upon them to visit each prison at least once in the 12 months?
I think it would.

2392. Earl *Cathcart.*] Ought there not to be a third inspector in the case of the illness of one of the inspectors, or in case of a protracted inquiry?
No difficulty has arisen in that respect.

2393. Supposing one of the inspectors were ill, what would be done in that event?
The Secretary of State has the power of making an interim appointment.

2394. Duke of *Marlborough.*] He has the power, has he not, to appoint any number not exceeding five?
Yes; and he has also the power to appoint other persons to assist the inspectors, if necessary; so that any difficulty which might arise from the illness of an inspector could be very easily met by the existing law.

2395. Earl *Cathcart.*] With regard to pardons upon medical grounds, are they of very frequent occurrence?
Very frequent indeed.

2396. Does not that influence the statistics of mortality in prison a great deal?
It must do so.

2397. If the men are likely to die, they let them out of prison, do they not?
Usually.

2398. *Chairman.*] That is always done, is it not, by warrant from the Secretary of State?
It is done by a pardon signed by the Queen.

2399. Confining your remarks to those prisoners who are under sentence for two years imprisonment, and no more, can you state to the Committee the number of commutations of sentences which have taken place on any grounds during the last year?
I have no means of giving the number at this moment; I can easily ascertain it, but it is not large; it is a very small proportion, I should say, in relation to the whole number of prisoners.

2400. On what grounds besides medical grounds are sentences of under two years commuted?
The grounds are so very various that I could hardly attempt to give a description of them. Sometimes it is considered, upon a review of the case, that the prisoner

prisoner has undergone sufficient punishment for his offence, and sometimes the remission takes place on the ground of the exemplary conduct of the prisoner, or some special service rendered, and on various other grounds.

2401. Has commutation of a sentence ever taken place upon the ground of merely the good conduct of a prisoner, apart from any particular action?
In many cases. The Gaol Act enables justices to recommend prisoners for pardon on the ground of exemplary conduct in gaol.

2402. Is the Secretary of State considered to have the power to commute on the general grounds of good conduct, or is he limited to where a prisoner has performed some act, such as interfering in an attempt to escape, or murder, or anything of that kind?
The Crown is not limited in any way as to commutation or remission of sentence; but as a matter of practice, remission does not take place on the ground of good conduct in prison, unless the prisoner is recommended by the visiting magistrates through the court of quarter sessions, on account of "extraordinary diligence or merit," in terms of the Act of Parliament.

2403. Earl of *Romney.*] Do the visiting justices often make use of that power?
Yes, they do.

2404. *Chairman.*] Can you make a return of the number of cases within the last 10 years where a commutation of sentence has taken place upon those grounds?
Certainly.

2405. Duke of *Marlborough.*] On whose recommendation does the Secretary of State usually act in granting those remissions?
On his own view.

2406. The circumstances of the case must be brought before him by somebody. On whose recommendation is it that he generally proceeds to grant the remission of a sentence?
That is a very large question indeed, and it would take me some time, to go into full detail. Whenever an application is made to the Secretary of State on behalf of any prisoner, he takes such measures as he may think fit for inquiring into the facts of the case, and he disposes of the application accordingly. If he finds upon inquiry that there are grounds which, in his judgment, afford a fair reason for a mitigation of the sentence, he advises it; if he thinks that is not the case, he takes no action whatever.

2407. Do I understand you aright that you are now alluding to cases of remission of sentences in county prisons?
Yes, entirely in reference to county prisons.

2408. Are recommendations, with regard to the remission of a sentence, ever made and acted upon contrary to the opinion of the county justices, or the visiting justices of a prison?
Not that I know of. If the Secretary of State, on inquiring into any case, sees ground for remitting a portion of a sentence, he does not refer the matter to the visiting justices at all.

2409. *Chairman.*] Is it within your knowledge that the Secretary of State has ever commuted a sentence, without any communication passing between him and the magistrates of the county.
Continually.

2410. Lord *Wodehouse.*] Does he communicate with the Chairman of the Quarter Sessions who sentenced the prisoner?
Very frequently, but not invariably.

2411. Marquess of *Salisbury.*] Does he not invariably send to the judge, who tried the offender, and ask for the notes of the trial.
In the generality of cases, but not invariably.

2412. In what cases does he not do so?
Where a pardon, for instance, is recommended on medical grounds.

2413. But in all other cases does he do so?

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There are some exceptions, but usually the case is referred to the judge before whom it is tried before any remission of sentence is granted.

2414. *Lord Steward.*] That would be in cases where a man performs any meritorious act in gaol.
Yes, certainly.

2415. *Chairman.*] Putting aside the question of medical grounds, is it within your knowledge that the Secretary of State has ever commuted a sentence on the ground of severity, or that the evidence was insufficient, without consulting the Chairman of the Quarter Sessions, or the judge?
No; he would not do so upon that ground without consulting the judge.

2416. Lord *Wodehouse.*] The cases to which you refer would be either where a sentence is commuted on medical grounds, or for some special meritorious act, with the knowledge of the prison authorities.
Yes.

2417. Where, therefore, the judge could have no knowledge of what had taken place.
Quite so.

2418. *Chairman.*] What is the form of the commutation of a sentence?
The form is a warrant signed by the Queen; a pardon, in fact.

2419. Therefore, the Secretary of State advises the Crown to commute the sentence of such and such a prisoner?
He does.

2420. Duke of *Marlborough.*] Does every case of this nature come under the cognisance of the Secretary of State?
Every one of them.

2421. And he then acts upon his own discretion?
Entirely.

2422. Are there frequent cases of remission of sentence for good conduct in prison?
They are not numerous, as compared with the whole number of prisoners.

2423. In cases of that sort are the visiting justices consulted beforehand?
The recommendation emanates from the visiting justices, in the first place; the Act requires that the visiting justices should recommend to the Court of Quarter Sessions, and that the Court of Quarter Sessions should then submit the case to the Secretary of State.

2424. Does the Secretary of State exercise the power of prospectively shortening a sentence?
Yes, that is done sometimes; that is to say, a sentence of two years may be reduced to 18 months.

2425. Before the expiration of the 18 months?
Yes, certainly; that is frequently done.

2426. *Chairman.*] On what ground is that done?
Upon various grounds; the good conduct or special services of a prisoner, or the favourable result of inquiry into the case, or possibly severity of sentence, and on other grounds.

2427. Where a remission is made on the ground of the severity of the sentence, is the judge or the chairman of the quarter sessions consulted?
Yes, most generally.

2428. But not invariably?
There have been cases in which no consultation of that kind has taken place; but usually it is the practice to refer to the judge before whom the trial took place.

2429. On whose representation would the Secretary of State be moved to advise the Crown in that matter?
The action of the Secretary of State would not depend upon the quarter from whence the application came; it would rest entirely upon the facts of the case. Applications are received sometimes from prisoners, sometimes from their friends, and sometimes from the counsel for the defence, as well as from other quarters.

2430. On what ground could the Secretary of State himself go, except the notes of the presiding judge?
He has no other information, except perhaps prison and police reports as to character, and so on.

2431. But what facts would the Secretary of State have, upon which to base his opinion, apart from the notes of the presiding judge?
That would depend entirely upon the nature of the case.

2432. Can you conceive any case in which the Secretary of State could come to a conclusion without having before him the notes of the presiding judge?
In some of the cases to which I have referred, such as the good conduct of a prisoner, &c., remission takes place upon grounds wholly irrespective of the facts of the case.

2433. I am dealing entirely with those cases where remission is made on the ground of the severity of the sentence; what facts are there upon which the Secretary of State could proceed?
He could not proceed upon any facts except those disclosed at the trial, or ascertained by subsequent inquiry.

2434. Is there any official record which would disclose those facts at the trial, except the notes of the presiding judge?
None.

2435. Therefore, the Secretary of State would be acting entirely from his own fancy and pleasure if he were to make any change in a sentence without previously consulting the notes of the judge, which alone are the authority for any particular fact?
No doubt he would; but that has so seldom happened, that I might almost say it never takes place.

2436. Duke of *Marlborough.*] As I understand you, the notes of the presiding judge are the only record that the Secretary of State would have to act upon in the remission of a sentence on the ground of severity?
The only one.

2437. And those notes, as I understand you, would be invariably called for?
Yes, almost invariably.

2438. Is it a fact that applications for the remission of a sentence of that nature are made soon after the sentence has been passed?
Frequently.

2439. And is it the case that the Secretary of State occasionally acts on that application, and after reviewing the notes of the judge soon after the sentence has been passed by the judge, proceeds to remit the sentence?
Yes, that happens sometimes.

2440. So that, in fact, the remission would rest solely upon the different view of the case taken by the Secretary of State from that which the judge took.
Not upon that ground ostensibly, I think; although practically it would come to that.

2441. Earl *Cathcart.*] Is it not the invariable practice, in asking for the facts, to ask for the opinion of the judge, as well as a statement of the facts from the judge or the chairman of the quarter sessions?
Invariably; in asking for the notes, the opinion of the judge is always requested.

2442. *Chairman.*] Are the Committee to understand that there are no cases whatever upon record in the Home Office where a commutation of a sentence has been made by the authority of the Secretary of State, on the ground of the excessive severity of the sentence, without previously calling for the notes of the presiding judge?
I cannot go so far as to say that; cases of that kind may have occurred, but they are very rare.

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2443. Lord *Wodehouse.*] When a question of that kind occurs, upon what does the Secretary of State base his decision?
Upon his own view entirely.

2444. *Chairman.*] Have you become aware, in the Home Office, of the great inequality of the sentences pronounced by judges or chairmen of quarter sessions for the same offence?
That has long been very apparent.

2445. Is that inequality to be found even in the sentences at the same assize or the same quarter sessions?
Not so much so at the same assize or quarter sessions, I think.

2446. Has the attention of the Secretary of State been drawn to that fact, and have any steps ever been adopted with a view to produce greater equality of sentence?
His attention has often been drawn to the fact, but no steps have been taken upon the subject.

2447. Can you make any suggestion to the Committee upon that point?
I am afraid I cannot; the Secretary of State never pretends to interfere with the discretion of the judges in the administration of the criminal law.

2448. Do not you think that the judges themselves consider that inequality of sentence a very great misfortune?
It is very likely they do. I never have heard the opinion of any of the judges upon the subject; but it must be quite apparent to them all that great diversity of practice exists.

2449. For identically the same offence a very different sentence is continually passed?
No doubt.

2450. *Lord Steward.*] Do you know any cases in which the Secretary of State has mitigated a sentence contrary to the opinion of the judge?
I am quite sure that that can have happened but very rarely; I do not remember any case of the kind at this moment. Sometimes the judges decline to express an opinion.

2451. Marquess of *Salisbury.*] A judge seldom expresses an opinion, does he?
Usually he does, but sometimes he does not; he is always asked to do so whenever he is referred to.

2452. Earl of *Romney.*] He is sometimes asked to give his opinion without his notes of the evidence; but if he is asked for the notes of the evidence he is always asked for his opinion, is he not?
Always. There is usually a particular form of reference to the judges, and the same words are used upon all occasions; the request is for a copy of the notes of the evidence, together with the judge's opinion upon the case.

2453. Duke of *Marlborough.*] Is it the case that the judges invariably forward their notes of the evidence upon the request being made to them?
Always.

2454. Earl *Cathcart.*] Are you aware that religious toleration prevails in all prisons, or nearly all prisons?
Yes.

2455. That is to say, if a prisoner wishes to see a clergyman of a particular persuasion, that clergyman is sent for?
Certainly.

The Witness is directed to withdraw.

Captain

Captain CHARLES MAXWELL LUCKRAFT, R.N., is called in, and examined as follows:

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2456. *Chairman.*] YOU are at the head of the Naval Prison at Lewes, are you not?
I am.

2457. Will you state to the Committee when that prison was established?
It was first opened for the reception of prisoners on the 7th of April last.

2458. Therefore it has been established very nearly one year?
Yes, very nearly a year.

2459. Will you state generally, before going into details, whether the result of that prison has been satisfactory?
So far as one can observe, and from what one hears, it is very satisfactory.

2460. What is the size of the prison?
It is capable of containing, I think, 180 prisoners with comfort, but more might be crowded into it; it is the old county prison.

2461. At present, what is the number of naval prisoners in confinement?
One hundred and twenty.

2462. On what system is the prison constructed?
They are mostly separate cells, but we class the prisoners. I have an associated class; but the generality of the prisoners are in separate cells.

2463. How many cells are there?
I think about 100.

2464. Are those cells upon the same model and plan as the Pentonville cells?
I think not.

2465. Are they larger or smaller?
They are large cells. I am not quite prepared to state their dimensions now, although I sent their dimensions to the Admiralty the other day; but they are large well-ventilated cells. I should think the size is about 12 feet by 10, and probably nine feet high.

2466. Is there any inspector appointed by the Government as an inspector of naval prisons?
We have quarterly visitors and monthly visitors, but I am not aware of any inspector being appointed by the Government. Sir Joshua Jebb has been down twice, and looked into the working of the prison, but whether he is appointed by the Admiralty or not I am not prepared to say; I think not.

2467. Are the cells certified previous to their use?
Yes.

2468. Do you light the cells with gas?
No, they are not lighted with gas; they have a trap-door, and they work in the cells by the light which is afforded by the gas in the corridors.

2469. Where does the ventilation proceed from?
The ventilation proceeds from a simple hole in the wall from the corridor; but the cells are very high, and there is a large window.

2470. Is it in the power of the prisoners to open that window and close it at their own pleasure?
Yes, it is.

2471. Within the cells what is the bedding which is in use?
The bedding I manufacture myself; it is made out of the fibre of the cocoa-nut, stuffed and well packed, and it forms a very nice elastic bed; and the bedding consists of a rug and one or two blankets at the discretion of the governor.

2472. Do the prisoners sleep in hammocks?
No, they sleep on iron bedsteads; the first week they have to sleep on bed-boards. They are not allowed a bed except at the discretion of the governor.

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2473. Is there a mattress added to the iron bedstead?
Yes, there is a mattress placed on the bedstead when they have a bed allowed them.

2474. Do the prisoners wear the prison clothing or their own clothing?
They wear the prison clothing.

2475. What does that consist of?
It is a uniform of my own, as nearly as possible the same description of frock as the sailors wear; it is made of a kind of stout grey frieze for the winter, both the frock and the trowsers, and the the trowsers are fitted with a strap and buckle behind, not suspended by braces, so as to leave the limbs and body free; they have also a check shirt and a flannel shirt and a flannel drawers, worsted stockings, and shoes.

2476. That you think sufficient?
Quite sufficient; then in the summer time, in warm weather, we have dungaree trowsers.

2477. Are books allowed in the cells?
Religious books only are allowed to those prisoners who are not in the first class; we class men according to good conduct.

2478. At whose discretion are those religious books issued?
The chaplain undertakes the issue of them, and has the charge of them; there are religious books for the Protestant as well as the Roman Catholic prisoners which they may have.

2479. Is the chaplain limited in the distribution of the books by any rule?
No; but it is the rule that there are to be religious books in every cell.

2480. Are books of any other nature allowed to prisoners?
Yes; we have a library for those prisoners who are in the first class.

2481. The first class, I presume, are composed of those prisoners who have acquired that privilege by good conduct?
Yes.

2482. What is the total number as a general rule included in the first class?
I have never exceeded 26 yet.

2483. How many classes are there?
I am simply working it in two classes; that is my own idea; the first and third class. In military prisons they frequently have an intermediate class, the second class; but I could not see the utility of it very much, and so I worked it with two, with the permission of the Admiralty, and it was a saving in expense also.

2484. What is the ordinary length of the sentences in naval prisons?
They vary very much; in the case of prisoners who are sent from the Channel Fleet, and who are not tried by court-martial, the maximum is three months, and the minimum about 28 or 21 days; but if they are tried by court martial they are sentenced to as much as two years.

2485. Are your classes arranged simply upon the principle of good or of indifferent conduct or, are they arranged upon the principle of length of sentence?
Upon the principle of length of sentence, and of good conduct also. Those men who are in for a short time require the full sting of their punishment; and although a man may be sentenced to a long imprisonment, yet he probably is not a worse man for that; he may have committed an offence upon the spur of the moment, which he has regretted afterwards, but yet, having been brought to a court martial, he is sentenced for a long period.

2486. Then you are without any rules which would place the Committee in possession of precise information as to the distribution of the prisoners into those two classes?
It is simply from good conduct, at the discretion of the governor. Hitherto I have

I have not put a man into the first class whose sentence does not exceed three months; but there is no reason why it should not be done, and I think by-and-by it may be done.

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2487. Therefore, are the Committee to understand that the large majority of naval prisoners are in the third class?
Yes.

2488. And a very small minority are in the first?
Yes, at present it is so.

2489. And that none enter the first class who are committed to prison for short sentences?
There is no reason why they should not, but that is left to the discretion of the governor, in a great measure.

2490. And that none enter the first class under any circumstances, unless for good conduct?
Not unless for good conduct, under any circumstances. I have had men in for long sentences whose conduct has been troublesome, and they have never entered the first class.

2491. You have framed this system, have you not, very much upon the system adopted in military prisons?
Very much.

2492. So far as classes or gradations are concerned, you have merely varied it by dropping the intermediate class?
Simply by that. We save by that means one principal warder and the warders of one ward.

2493. Have you any good-conduct badges, or any marks?
Yes; I have a distinctive badge, which is a red band upon the left arm.

2494. Do you find that that produces a good deal of emulation amongst the prisoners?
Very much.

2495. Are there any prisoners in the third class who are in possession of those badges?
No, none in the third class; they only gain that badge by being removed to the first class.

2496. Is there only one set of marks?
There is only one set of marks. In the case of those men who are in for a very short time, and who are not admitted into the first class, it is scarcely worth while to make any distinction.

2497. When the sentence does not exceed two months, the system of gradations and good-conduct badges can hardly come into operation?
Scarcely; it takes some time before you can really find out what a man is. When they first come in they all commit offences, and they try very frequently to kick against the rules of discipline, and that prevents them for a certain time from having a mark of distinction.

2498. Can you inform the Committee what is the kind of good conduct for which you would award one of those badges; is it positive good conduct, or is it merely the negative virtue of abstaining from breaking the prison rules?
For positive good conduct, and also for not coming before me in the Defaulters' Book, and for activity and readiness to do that which is right and proper.

2499. Do they work by time, or by piece?
By time.

2500. What is the nature of the work on which prisoners are employed?
We commence simply with the work of picking oakum. The hard labour is similar to that in use in military prisons; it consists of the shot drill; but in consequence of a suggestion which I made to the Admiralty the other day, I employed all the first-class men upon work connected with the steam reserve of the different ports, making useful articles for the steam reserve; that is, employ-

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ing them at their profession instead of the monotonous dull work of picking oakum continually. They appreciate that very much; and although it is not hard labour, yet it is continuous labour; they are at it from morning till night.

2501. Is there a strong wish on the part of those who are in the third class to get into the first class, in order to obtain that employment?
Yes, doubtless.

2502. What is the work upon which the first class are exclusively employed?
At present they have been employed in making what is called matting for boats' gripes, of various sizes.

2503. Will you state whether that is work to which they have been accustomed on board ship previous to their entering the prison?
Yes, they have been brought up to it; it is a part of the profession of seamen; I mean making matting for harbour gaskets, and sea gaskets, and junk wads for guns, swabs, and various other articles. That kind of work is very remunerative work; it pays the prison very well; we get very nearly at the rate of 1,000 *l.* a year for labour.

2504. Is that very coarse work?
Some of it is very fine and neat work, it is made with what we call a sword; the different parts of the rope are wove one inside the other, and hove on with a heavy piece of wood called a sword, it is quite a sailor's work.

2505. Is there any other form of more penal labour than that?
No, none that I have adopted.

2506. Does shot drill form a part of your labour?
Yes, it forms a part of the labour of the third class.

2507. How many hours a day are the prisoners exercised at that shot drill?
An hour and a half in the morning, and an hour and a half in the afternoon.

2508. I presume on board ship they have never been exercised at shot drill?
Never, except by simply loading and carrying shot to supply the guns at exercise.

2509. What is the weight of the shot?
32 lbs. and 24 lbs.; we give the 24-pounder to the weaker-bodied men, and the 32-pounder to those who can carry it. 32 lbs. is the maximum weight.

2510. Is the drill which is in use of a very simple nature?
Very simple.

2511. You are aware that in military prisons the shot drill admits of a good deal of complication; have you confined it to one particular form, the drill?
One particular diagram.

2512. Could you put that diagram in?
Yes, this is it (*handing the same to the Chairman*). The men work in lines, and when one rack is empty he returns, and it is filled by his neighbour.

2513. Have you ever found any impracticability in teaching sailors to perform shot drill?
Not at all; it is done in one minute.

2514. From your experience on that point, would you say that there would be any practical difficulty in teaching civilians in a county prison to perform shot drill?
Not at all; I think it is the best thing for vagrants.

2515. Since the shot drill has been tried in naval prisons, have there been any cases of rupture?
No, none. We are very particular indeed in examining a man before he undertakes the shot drill; a man who comes into prison ruptured is not allowed to be put to shot drill; and we are very particular in how he lifts the shot, so as to prevent a prisoner being ruptured.

2516. Might it not be a safeguard against the possibility of such an accident if

if a man were employed with rather a lighter shot whenever there was any suspicion of rupture?

Possibly it would; but I think that a 32-pounder shot is not too heavy for a man with any strength at all.

2517. Does the shot rest upon the ground?

No; it is raised about four inches upon a cast block, a little scored to take the shot.

2518. Of course the smaller the action of stooping the less would be the exertion?

Of course.

2519. If the shot were of a lighter form, would not the task itself be equally irksome?

It would require the same amount of stooping, but not the same amount of labour.

2520. Duke of *Marlborough.*] Would the wearing of a belt at all help to prevent rupture?

Yes, I should think it would; it certainly assists them, because men have frequently asked me to be permitted to have a belt, which they have brought in privately to the prison, and I have always granted it.

2521. From what you state about the dress, the trousers being fastened with a buckle behind, that would act as a belt I presume?

Yes, I consider it a great relief to them.

2522. *Chairman.*] Shot drill is an essentially unproductive form of labour, is it not?

Quite unproductive.

2523. The Committee have had conflicting evidence upon that point; they have been informed by some witnesses that unproductive labour has a tendency to create great degradation and irritation in the mind of a prisoner; have you ever observed that in the case of naval prisoners?

I have not observed that; of course one can scarcely arrive at their feelings in that respect; but I have not observed that it is so. I think it is obvious that if they knew that their hard labour was productive labour, it would not be the same amount of hard labour as if it were unproductive.

2524. Would you not be aware of it if there was a very strong feeling of that kind?

Yes, I think so; seamen look upon oakum picking as far more degrading than the shot exercise.

2525. Why is that?

It is the simple, continuous, monotonous operation of picking oakum that they dislike so much; I believe that sometimes, when they are taken from the room where they are picking oakum, it is a relief to them to go to the shot exercise.

2526. Earl of *Dudley.*] Oakum picking is not hard labour, is it?

No, it is continuous, monotonous labour, not hard labour; and it is more offensive to them.

2527. Marquess of *Salisbury.*] Does oakum picking spoil their hands for any finer work?

At first it does, but they soon get accustomed to it.

2528. Does it spoil the hands of a prisoner for such a thing as picking pockets afterwards?

I think not.

2529. Earl of *Romney.*] A sailor would have a particular dislike, I presume, to picking oakum?

Yes; I think that a sailor has a great dislike to it, and one-half of the offences that I have to punish are for the non-performance of their oakum picking in their cells at night.

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2530. *Chairman.*] Do you exact a particular quantity of oakum picking?
Yes, according to the nature of the yarns; the chief warder has particular orders to issue the quantity according to the nature of the yarn.

2531. What punishment would you award for the non-performance of the proper amount of work?
If it is done a second time, very likely I should stop the man's supper; or if it was a meat-dinner day, I would take his meat dinner from him and give him the ordinary diet of meal instead.

2532. Do you employ solitary confinement as a punishment?
I employ separate confinement, not solitary.

2533. Do you ever reduce the diet to bread and water?
Yes, in case of offences against the prison rules.

2534. Are you empowered to administer corporal punishment?
No, there is no Act of Parliament for that.

2535. Is it impossible to apply corporal punishment?
It is not possible; I have not the power.

2536. Is there no authority in the naval prisons which has the power of ordering corporal punishment?
None.

2537. Not for any offence, however bad it may be?
None.

2538. Earl of *Romney.*] Under what law are you?
Under the naval marine law; but it was the opinion of the Admiralty Attorney, in drawing up rules and regulations or the government of the prison, that there was no Act of Parliament authorising corporal punishment for naval prisoners on shore, or for offences committed in a naval prison, and that it would require a separate Act of Parliament for that.

2539. You are not under the Naval Mutiny Act, are you?
No.

2540. *Chairman.*] Is not that, in your opinion, a very serious omission?
No case has arisen yet in which I should like to use the cat. I have had one or two tried by the Board of Visitors, but their powers are rather circumscribed.

2541. Officers commanding ships are empowered in courts martial to order corporal punishment, are they not?
Yes.

2542. But there is no power that can order corporal punishment, as I understand you, in the administration of naval prisoners?
None.

2543. *Lord Steward.*] You stated that you had had them tried by the Board of Visitors; who are the visitors?
They are the Naval Commander-in-Chief at Portsmouth, the Flag Captain, *ex officio*, the Honourable Mr. Brand, the Member for Lewes, and Mr. Whitfield, Mr. Molyneux, Mr. Godle, three of the county magistrates.

2544. Earl of *Malmesbury.*] It would appear from the Act, that the officer who commits the delinquent to prison has a right to have him flogged before he is sent to prison?
Yes; before he leaves the ship that can be done.

2545. And then he is sent to your prison?
Yes, very often in sentences of a court martial that is done.

2546. *Lord Steward.*] You could not punish corporally any offence committed within the prison?
No; I have no power whatever to do so.

2547. *Chairman.*] Do you ever punish by ordering the prisoner to sleep upon the bare boards?
Yes.

2548. Is that a punishment which you find salutary?
Yes, very indeed; they miss their bed very much.

2549. Do they dislike that very much?
Yes, they dislike it very much; but I have not the power to order it for more than three days at a time.

2550. Under what powers do you act; is it under a statute?
My power is simply laid down in the rules and regulations; I have nothing for my guidance but that.

2551. Earl of *Romney*.] By whom are those rules made?
They are framed by the Admiralty under the Act of Parliament.

2552. *Chairman*.] Will you be good enough to put in a copy of those rules and regulations?
Yes—(*delivering in the same*).

2553. I see here that, at page 38, the diet of the prisoners is laid down; and I perceive that there are three classes of diet?
Yes, there are three classes of diet.

2554. Do you employ those three classes of diet, or do you merge one of them, just as you have merged one of the clauses as to hard labour?
They are employed precisely as is directed there. There is a diet for a man coming in for 42 days and under, there is a diet for over three months, and there is a diet for 56 days; all of which, according to circumstances, are daily in use.

2555. Up to 56 days no meat is allowed to the prisoners, is there?
The class to which the noble Earl refers is for light labour.

2556. Is meat employed throughout?
Meat is employed throughout; if a prisoner is in for 42 days and under, he only gets two meat dinners a week. That is a recent regulation, formerly it was three; but I thought that was a great deal too much, and I brought the matter before the Board of Visitors, and they recommended a reduction to the Admiralty. However long a prisoner might be in before that period, if he was not employed at hard labour he was allowed no meat whatever, so that the extra meat dinner which was taken away from the short sentences was recommended to be given to those at light labour and long sentences after three months.

2557. By whom is the hard labour and the light labour awarded respectively?
That is awarded by the captains of the ships from which we receive the prisoners.

2558. Does it vary with the nature of the offence?
It entirely rests with the captain of the ship. Some captains, for desertion, will send a man for three months with hard labour, and other captains for as little as 28 days without hard labour.

2559. How far does this diet vary from the diet now in use in the military prisons?
I think it is a higher class of diet than in the military prisons. I believe that the Medical Director General of the Navy was of opinion that the seamen required a higher class of diet in prison than soldiers generally, because they are fed so well on board.

2560. Earl of *Dudley*.] It is all salt meat in the Navy, is it not?
Yes, but it is of good quality; and when in harbour they have fresh meat.

2561. *Chairman*.] Could you make out a return showing the difference of diet in the naval and in military prisons, placing the two side by side in parallel columns?
Yes, I will endeavour to do so.

2562. Duke of *Marlborough*.] Have you power to put the prisoners in irons?
Yes, I have power to do so; but I must report it immediately to the visitor.

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2563. How long do you keep them in irons?
I am not allowed to keep them in irons more than 24 hours at a time; but it is on only one occasion that I have been compelled to put a man in irons, and that was for striking an officer.

2564. Earl of *Dudley.*] That is your last resource?
Yes, that is our last resource.

2565. Duke of *Marlborough.*] Are you aware that a marine afloat is far better fed, and has a much greater variety of food, than a soldier on shore?
Yes, I believe it is so.

2566. *Chairman.*] Do you issue extra diets to any of the prisoners?
The first class get an extra two ounces of meat on Sundays.

2567. Is that in the nature of an indulgence?
Yes, it is by way of an indulgence for good conduct.

2568. Is extra diet ever issued to those prisoners who are not sick enough to be placed upon the sick list, and yet are supposed to be incapable of doing the same hard labour as their companions do without additional support?
That rests entirely with the medical officer; he regulates the diet of all those that are under his charge, and he either orders them hard-labour diet or light labour diet; and if they are not sufficiently well to perform the hard labour, they very often have their hard-labour diet continued.

2569. There are probably cases where prisoners are supposed to be not ill enough to go into the infirmary: but where the surgeon desires to give them some additional support in the way of extra diet, is that done?
Yes, it is quite in his power to do anything he pleases.

2570. Does he practically do that?
Yes.

2571. Can you state what proportion the number of extra diets bear to the number of ordinary diets?
A very small percentage; I do not suppose that it occurs more than once in a month; it is not of daily occurrence at all. Prisoners are very healthy indeed in that prison; not one man has gone into the infirmary yet.

2572. Duke of *Marlborough.*] Do you find that the prisoners engaged in shot drill require higher diet than those engaged in such work as you were speaking of, namely, first-class productive labour?
No; I think that they do not require higher diet, but I find that they lose flesh more than the first class.

2573. You do not find that their general health suffers?
No, they are in very good condition.

2574. I suppose the difference of exertion is very great, is it not, between the shot drill and the labour of the first-class prisoners?
Very great.

2575. As I understand the practical working of your system, it is that the first class, who are engaged in light work, get better fed than the third class, who are engaged in heavy shot drill?
Yes; but all the men in the first class have undergone their shot drill, and from their good conduct have raised themselves to the first class.

2576. Looking at it as a question of health, you do not find that the hard labour, conjoined with a low fare, acts prejudicially upon the health?
No.

2577. Earl of *Ducie.*] What is your usual percentage of men on the sick list?
About two per cent. only are daily exempted from duty, and about four per cent. partially exempted from duty.

2578. Marquess of *Salisbury.*] How are they partially exempted from duty?
A man is exempted from the hard labour, but not from the light labour.

2579. Earl of *Ducie.*] The system carried on in your prison is a healthy one, is it not?
Very healthy indeed.

2580. There is nothing in the severity of the work or in the meagreness of the diet which hurts the prisoners?
No; on the contrary, they go out in capital condition.

2581. Lord *Wodehouse.*] Do the prisoners in the first class work in separate cells, or are they associated?
They are associated.

2582. Do you find that any evil results arise from the association of men of very different characters?
I have found none whatever.

2583. Earl of *Dudley.*] Have they the power of conversing?
I give them that permission; when they are at meals they may converse in a low orderly tone, and also when they are associated in the evening, just before going to bed, but not afterwards; there is always a warder in attendance.

2584. The change from the third class to the first class is entirely at your own option, is it not?
Yes, except that I have the sanction of the visitor; the visitor may look into these things.

2585. It is not necessary that it should go before the visitor before it is done?
No.

2586. Therefore, you can abrogate the hard labour of some as soon as you choose?
Yes.

2587. *Lord Steward.*] The prisoners in your prison are of a very different class, are they not, from the ordinary criminals and convicts in a county prison?
Very diff rent.

2588. Therefore, the same separation is not necessary in your case as it is in the case of convict prisons?
Certainly not.

2589. Earl of *Dudley.*] You mean by that that they are not habitual criminals?
They are not habitual criminals; I have none in my prison who have been committed for any offences against society.

2590. Duke of *Marlborough.*] What are the offences for which they are generally committed?
Desertion, absence without leave, and breaking leave are the principal offences; and there are some in for insubordination, and striking their superior officers.

2591. Earl *Cathcart.*] Is the shot drill always in the open air?
Not when it rains; they are under cover then.

2592. Are they in sheds?
Yes, they are covered over.

2593. Are they open at the side?
Yes, there are windows; the shed was not built for that purpose, but I have appropriated a shed for that object.

2594. Earl of *Dudley.*] It is rare, is it not, for you to have a man a second time?
Out of 600 I have had about 10 recommitments only.

2595. Earl of *Ducie.*] But you have only had a year's experience, have you?
Yes; but there are many stationary ships in England from all the different

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guardships, from which I get the greatest number of men; and I have only had 10 re-commitments in one year.

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2596. Earl of *Romney.*] Are they sent to you from all parts?
Yes, from all parts of England, and from abroad as well.

2597. Are they sent to you from Pembroke and Sheerness?
Yes, from Pembroke, Chatham, Sheerness, Woolwich, and so on.

2598. Marquess of *Salisbury.*] Have you the power given you by the regulations of recommending a prisoner for the remission of a portion of his sentence, and have you ever done so?
Yes; I have done so on three different occasions, and it has been acceded to.

2599. Have you found that that has proved a beneficial power?
Yes, I think it is a very beneficial power, and it stimulates the men very much.

2600. To whom does the application for that remission go?
To the Admiralty.

2601. Do they send down the permission without any inquiry?
It has never been refused yet, on the recommendation of the visitors.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday, April 16th, One o'clock.

Die Jovis, 16° *Aprilis* 1863.

LORDS PRESENT:

Lord President.	Earl Cathcart.
Marquess of Salisbury.	Viscount Eversley.
Lord Steward.	Lord Wodehouse.
Earl of Malmesbury.	Lord Wensleydale.
Earl of Romney.	Lord Lyveden.
Earl of Dudley.	

THE MARQUESS OF SALISBURY, in the Chair.

Evidence on Prison Discipline.

W. Merry, Esq.

16th April 1863.

WILLIAM MERRY, Esquire, is called in, and examined as follows:

2602. YOU are Chairman of the Visiting Justices of the county gaol of Berkshire, at Reading, are you not?
Yes.

2603. Is that a gaol and a house of correction also?
Yes.

2604. What is the average number of the prisoners in the gaol?
About 130.

2605. What species of labour have you in that gaol?
I think it has been a good deal disputed whether we have any labour at all; but, in point of fact, we have labour or employment for every man, as prescribed by the 2d & 3d Vict. c. 56, s. 4. The words of that section are, "Labour or employment." It had been made a matter of complaint against us, under the imagination that we had no hard labour in Reading Gaol, as prescribed by the Act.

2606. You are allowed by that section, are you not, to make such rules for the separate confinement of the prisoners, and for their employment, as may be dictated by the Secretary of State?
Yes; that has been going on, ever since the year 1844, under my personal cognizance.

2607. And what employment or labour have you in Reading Gaol?
I think that the nearest approach to labour may be called grinding our own wheat. We use single-handed mills in preference to the joint mill, which a number of men work at, and of course a large number of them are shufflers. We employ single-handed mills, and the men grind their own corn so much a day, which is converted into bread afterwards by a baker, who is also on the establishment; and it may be worth the while of noble Lords, who are interested in their own counties to know, that I think we save very nearly, upon an average, 100*l.* a year, besides getting valuable labour, not penal labour. Our mills are single-handed; every one does his own work, and there can be no shuffling.

2608. Do they do it in their own cells?
No; we have built separate cells, well lighted, and with a free current of air, so that a man may have the advantage of a change of cell and more free air than he gets in his ordinary cell.

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2609. Does every man work at those mills?

They take their turns; not as a labour for so many hours, but just so long as we imagine that it may do them good. What we call our punishment is a man's being shut up doing nothing; that is the real sting; every hour that they are taken out of their cell is a relaxation or relief.

2610. How many mills have you?

Seven or eight, I think.

2611. And is that sufficient to employ the average number of prisoners?

With the addition of the pumping, it is; we have a force-pump, which is made to carry the water up to the highest part of the building.

2612. How many hours per day are you obliged to grind the mills in order to furnish a sufficient quantity of flour?

It is a long time, but the same man does not grind the whole quantity; they take it by turns; they are employed at the mill for the sake of exercise, to keep them in their muscular condition, and in good health, and for no other purpose. When one man has been working sufficiently long at the mill, we put another man in his place.

2613. Are you able to grind the whole of the corn which you require?

Yes, entirely.

2614. Assuming your average of 130 prisoners, how many hours a day of labour are necessary to grind the requisite quantity of corn?

I do not recollect just at this moment, but it is very slow work. It would not be profitable in our private establishments to set up a handmill.

2615. *Lord President.*] Could you give the Committee any approximation as to the amount of labour; or could you say what number of hours any one man is employed in the day at this work?

Lord Carnarvon had a time-table from the governor of our gaol; and as his Lordship had it, I did not bring my own time-table; therefore, I cannot answer the question precisely.

2616. Earl of *Romney.*] If a man is sentenced to four months' imprisonment in the House of Correction with hard labour, what is done with him?

He has, perhaps, rather longer to pump, and rather longer to grind. But we value the sentence of hard labour in the old Acts as giving us an advantage in dealing with the man as regards the discipline of the prison itself; a man sentenced to hard labour may be treated with more peremptory decision than a man who is not sentenced to hard labour; that is the only advantage. I hope I shall be forgiven for making use of the expression, but the question of what hard labour really is has never yet been defined. We used to have the treadmill; we were the first county to have the treadmill, and, I am happy to say, we were the first to give it up, finding it a most useless mistake. We never knew what it was to make a man better, and we never knew what it was to punish a man, the simple proof being that the same man came back to the same treadmill a dozen or twenty times. It was self-evident that the sooner we gave up such a useless mode of punishing the men the better. When we built our separate cells and our new gaol, I happened to be a visiting justice; and we established this great fact, that separation is the basis of all prison discipline. When the men are all congregated together you can do nothing with them; but get a man shut up in a separate cell, and I do believe you may do a great deal with that man. At the time of visiting the gaol I may have been considered perhaps a little prejudiced, and so I asked a Committee of the whole county, consisting of our Members of Parliament and the principal magistracy, to be good enough to tell me what I was to do with a man shut up within four walls; and after considering the matter for a couple of hours, they said, "Mr. Merry, we believe we must leave you to do the best you can." None of us knew a bit about the matter. Then it was that we found that, practically, the problem worked itself out. I felt it to be a vote of confidence in me on the part of my brother magistrates. When we shut up a man in his cell, the first he did was to say, "For God's sake give me something to do; I cannot bear to be here by myself!" We then gave him a book, and if he said, "I am no scholar; I cannot read," we then asked him, "Would you like to learn to read?" and his reply was, "Anything, sir, sooner than be here by myself; I do not care how

how hard the work is!" Then we said, That is one point established; if we can get such a man to read the Bible, of course it must give him better advice than anything that we could say to him. I recollect a special instance of a man who had read half through his Bible in a fortnight; whether that man was the better for it afterwards, of course I do not dare to say; but it is presumable that the cause and effect go together. That was really the history of our separate system, combined with corrective instruction in Reading Gaol.

2617. Then the Committee are to understand that the first step in carrying out a sentence of hard labour was, to put a man in a separate cell, and give him nothing to do?

We have always fought very stoutly, and I hope respectfully, against what is called hard labour. We have always asked, what is hard labour? I do not believe in it; I believe that it is a mistake. For 16 years the result of our system has been a diminution of crime, which is somewhat remarkable. Knowing that I should appear before your Lordships to-day, I prepared last night an account of the difference in the number of prosecutions at assizes and sessions, and it was evident from the figures that our separate and corrective system was telling upon the county; the diminution of crime would evidently appear by the smaller number of prosecutions for crime at the assizes and sessions. We abolished our treadwheel when we opened our new gaol.

2618. You say that you find that hard labour is a mistake; you mean that hard labour does not produce any good result?

Yes, that is the inference which we draw from the same man coming back a dozen times.

2619. At the time the sentence of the Court was that you should put the man to hard labour?

Yes, of course it was so.

2620. Earl of *Dudley*.] Then the Committee are to understand that you do not carry out the sentence of the Court?

Latterly, we have not done so.

2621. That is to say, you give them no compulsory hard labour?

I do not believe that you can compel a man to work.

2622. You do not, as a matter of fact, carry out the sentence that the law has passed upon the man?

I should answer that question better if I knew what, in your Lordship's view, constitutes hard labour.

2623. You have been asked, what means you have of carrying out hard-labour sentences in the case of those who are sentenced to a term of hard labour, and you answer that by saying that you have no wheel, but that you have certain cranks by which you grind your own corn?

I must ask your Lordship to distinguish between cranks that do work, and others which are merely penal work.

2624. By penal you mean unproductive, do you not?

Yes.

2625. You have in your gaol a certain number of cranks which grind corn?

Yes; certainly.

2626. Are they all separate?

Yes; they are all separate.

2627. So that every man must do his own portion of work?

Yes.

2628. Is that hard labour?

Yes; for the time it is, certainly.

2629. Do not you find that you very soon grind corn enough for the requirements of the gaol?

That is a question upon which I should be afraid of misleading the Committee; I cannot answer it accurately from memory.

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2630. Is it not very often the case that you are obliged to go on with those cranks which really are, in your own language, penal, namely, doing no productive work for the time being?
The cranks in our gaol would be employed to grind corn.

2631. Therefore, if there is no corn to grind, there is no hard labour even with those cranks?
A portion of the labour would cease for that day, and the men would be told to pump water for the tank; and they are also employed in mat-making and oakum picking.

2632. That is industrial occupation; but keeping ourselves entirely to the question of hard labour, do I rightly understand you to say, that if sufficient corn is ground the men are no longer employed upon those cranks?
They are not.

2633. There being no wheel, and the cranks not being wanted for grinding corn, there is therefore no hard labour being done in the prison at that time?
Then we come back to the definition of what is hard labour. I do not know whether your Lordship would consider mat-making hard labour.

2634. According to my notions it is not. A very distinct line must be drawn between industrial occupation and hard labour, because, to my mind, there is but one class of hard labour, and that is either the wheel or the crank?—Perhaps I might take the liberty of saying, that the crank has proved a failure; and there are two remarkable cases of that, one at Birmingham and the other at Leicester. You may tell a man that he shall work so many turns or have no breakfast, as was the case at Birmingham, so many turns or no dinner, or, so many turns or no supper; but it was found that, first of all, there is something in the Saxon blood which every now and then rebels, and you cannot make a man work; and then what are you to do? At Birmingham the food was withdrawn, and the men at last became so ill that some of them died. There was a great inquiry into the matter in a court of law, and the result was that the governor was sentenced to three months' imprisonment.

2635. *Chairman.*] In the gaol at Reading you have, as one form of hard labour, the pumping of water up to a tank, have you not?
Yes.

2636. Is that done by a wheel?
By a long handle, at which 10 men work.

2637. Is it the common mode of what we call crank labour?
Yes.

2638. How many prisoners can it employ?
Ten at a time.

2639. How many hours a day do you reckon that they work?
I have not a time-table with me, therefore I cannot say.

2640. Earl of *Dudley.*] The labour at the crank is not consecutive, is it?
No; each man takes his turn.

2641. For how long; for 10 minutes?
More than that; they work as long as it is required, but of course that very much depends on the number of prisoners in the gaol. The work has to be done; if there are a few, of course they must be worked longer; if there are many, of course they would be worked a shorter time.

2642. *Chairman.*] Will you have the kindness to send in to the Committee a Return of the employment of the prisoners in the Reading Gaol?
I will do so.

2643. Earl of *Dudley.*] You have stated that 130 is the average number of prisoners that you have in Reading Gaol. Out of that number, I presume a large majority are sentenced to hard labour?
I daresay it is so.

2644. Can you tell the Committee what proportion of those men so lying in gaol under sentence of hard labour are occupied in anything approaching to hard labour during the day?

I do not think, if I have any idea of what your Lordship means by hard labour, that we have hard labour; I think that we have the same labour that there is in other gaols, but I do not know any gaol in which hard labour exists.

2645. In dealing with this particular case of the Reading Gaol, I will draw a line between any industrial occupation and such employments as you have been speaking of, namely, grinding corn or pumping water. How many of those 130 men who are lying there under sentence of hard labour would be so employed during the day?

I am afraid I cannot answer that question.

2646. Lord *Wodehouse.*] Do you know what proportion of those 130 prisoners, on the average, would be sentenced to hard labour, and be fit for it; I mean such hard labour as the treadwheel; would there be more than half?

I am answering at random, but I should say that more than half would be fit.

2647. What do you mean by the expression "corrective instruction"?

We rely entirely, first of all, upon the *vis inertiæ*, the irksomeness of the cell making a man desirous of learning something which he did not know before; and by "corrective instruction" perhaps we should say "moral instruction." In the case of a man who comes in as a thief, the first question that we try to get into his head is, why should you steal, and why should you not steal; we try to get him to think, and to accomplish the great fact of knowing that "honesty is the best policy."

2648. *Lord Steward.*] Do you apply precisely the same rule to prisoners sentenced for short sentences as to those imprisoned for long terms?

With this difference, that in the case of short sentenced prisoners, for instance those sentenced to a month's imprisonment, we do not take pains to teach them reading; it is impossible that a man can learn to read in a month, but a man may be taught to think in a month.

2649. Lord *Wodehouse.*] Do you look at all to deterring the criminal, or do you look merely to reforming him?

I have not great faith, I confess, in deterring criminals. I should like to submit to your Lordships by and by the question of diet, which I believe to be the only shape in which a deterring influence can be brought to bear upon them. I do not believe that men will ever be deterred by anything in the shape of punishment; that is my experience.

2650. *Lord President.*] Did you not state that solitary confinement in a cell was deterring?

I believe it is the most terrible punishment to a man, but every hour that he is taken out of that cell is a relief; a man would jump mast high to get upon the treadwheel rather than be confined in a solitary cell.

2651. Are you aware whether a large number of vagrants pass through your prison in the course of the winter?

I think there has been an increase of them this year, but when we first opened our new gaol at Reading, under the separate system, a deputation of magistrates of Buckinghamshire, our adjoining county, came over to see what we were doing, and they said frankly that they were obliged to build a new gaol in Buckinghamshire, for that all the scamps were going there because they did not like our system at Reading. I do not believe that there is anything which vagrants or tramps, who I consider are the very worst class of all criminals (they are living lies), dread more than the separate cell.

2652. Lord *Wodehouse.*] Is that consistent with what you just now stated, that you do not look to the deterring effect upon the criminal?

I have no great faith in it, but I fear I have expressed myself very improperly if I have said that we do not look to the deterring effect, because I am going to ask the Committee to consider the question about diet, from which I hope more than from anything else.

2653. But if, as you have stated, the effect of establishing those separate cells

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at Reading is such as to induce vagrants who would otherwise probably have come into Reading prison, to go rather to Buckinghamshire, where they would be in a prison in which there is no separate system, does not that statement go to prove that the separate system has a direct deterring effect, and a very serious deterring effect?

I have always hoped that it has, but I am afraid to boast too much of it.

2654. *Lord President.*] In your system, you consider that the great power is the separate confinement?

Yes.

2655. And to those who complain of it, you are in the habit of giving some means of occupation; for instance, in some cases you propose to them to read the Bible?

Yes; we give them instruction, generally.

2656. And some avail themselves of it to the extent, that one man whom you have mentioned, read nearly half the Bible through in a fortnight?

Yes; that was after the opening of our new gaol.

2657. With those who say they cannot read, and to whom, therefore, that occupation is of no avail, what do you do?

My question to them is, "Would you like to learn?" the answer is, "Anything, sir, sooner than be here by myself doing nothing" and then the schoolmaster is brought into action.

2658. Then, all those who do not know how to read, learn to read in your gaol?

Yes; in two or three months they learn to read, or, at any rate, they learn to think, which, I consider, is a very important point.

2659. *Lord Steward.*] How do you set about that process?

There are the chaplain and two schoolmasters to attend to that.

2660. Lord *Wodehouse.*] Is not the result of your system this, that in the first place, you establish separate cells, which have a deterrent effect upon criminals, and then you proceed to neutralise that deterrent effect, by giving them occupation (which makes the separate system not terrible to them), with the society of two schoolmasters and the chaplain to beguile the time?

It was one of the first terrors thrown before us, that by shutting a man up in a separate cell we should induce insanity. A great experiment had been tried by the Americans. In their endeavour to do away with secondary punishments, they shut up 80 of their worst criminals in prison in Wall-street, New York. The cells, were, in point of fact, living graves, seven feet long, just high enough to stand in, and just wide enough to lie down in, and the men were without instruction, and without any communication. In ten months, that system was given up; five men died, and two or three went mad. But the importance of the experiment to us is this (and it is really worth submitting to your Lordships), that so far from even the terror of such a terrible experiment as that affecting those men, out of those 80 original prisoners who were discharged, 14 were re-committed very soon after; it had not deterred them, and you will not deter by terror.

2661. Earl of *Dudley.*] Will you define for the Committee what you mean by the separate system?

Shutting up a man in a separate cell, to begin with; you cannot force men to read, or to do anything; but, such is the irksomeness of the cells that they insensibly do it of their own accord. I had a remarkable case of a Jew who was committed for a year, and all we did in that case was to put a Hebrew Bible in his cell, in order that he might read it. He could not help himself; he did read it, and, after a while, he asked me whether he was at liberty to read our New Testament. I said, "By all means; it is open to every one here." He read it, and it broke him down; he had never seen his own Bible; he had only read in the synagogue what they call the Talmud; and when he came to read the Old Testament, and compared the prophecies in the Old Testament with their fulfilment in the New, he became a Christian, and was baptised; and he begged to be allowed to receive the Sacrament. I asked him what he should do when he left the prison. I found he was a mineral tooth-maker in London, and he said that he was not afraid at all, but that if he went to the synagogue he should be almost

2716. Did he put aside the dietary that you proposed?
Sir James Graham, or the Secretary of State of the day, was the author of our existing diet, which we complain grievously against; we think it is a great deal too high.

2717. Earl of *Romney.*] I find that here in Class 3 there is a certain scale of dietary ordered for prisoners employed at hard labour for terms exceeding 21 days, but not exceeding six weeks. Class 4 is for prisoners employed at hard labour for terms exceeding six weeks, but not more than four months. Different scales are prescribed for those classes; but, practically, in Reading gaol you give the same diet to each of those classes?
No; we do not consider a man sentenced to hard labour who has not anything in the shape of hard labour to do; he does not deserve a diet intended to keep up a man in full vigour at hard work, and he does not get it. (*Vide* note*, p. 255.)

2718. At the same assizes or the same sessions one man is sentenced to an imprisonment not exceeding six weeks, and another man is sentenced to four months' imprisonment; therefore, by this dietary, one man ought to have more food than the other; but in the case of the man sentenced to four months' imprisonment, you chose not to put him to what the law calls hard labour, and, therefore, you dispense with the dietary prescribed for that class?
The different classes have different dietaries. Your Lordship will find in the margin of that paper what the solid amount of food of each class is. In Class 1 the amount of solid food during the week is 140 ounces; in Class 2, it is 204 ounces; 254 solid ounces is the allowance in Class 3, and 264 in Class 4; but then comes the class which we protest so strongly against.

2719. One man being sentenced to six weeks' hard labour, and, therefore, being entitled to 254 ounces in Class 3, and another man in Class 4 being entitled to 264 ounces, if you do not choose to put the latter man to hard labour, is it the fact that you feel yourself justified in reducing the number of ounces?
Yes, certainly.

2720. Earl of *Dudley.*] And you do it, do you not?
Yes. (*Vide* note, p. 255.)

2721. *Chairman.*] That is to say, you assume a dispensing power over that diet?
We have assumed that power.

2722. *Lord President.*] In general, is it your principle to do what you think best at Reading gaol, or to abide by the law?
I venture to think that we are very obedient to the law, except upon that one point, on which there exists such a difference of opinion, namely, as to the definition of hard labour. I do not pretend to say that any man in Reading gaol undergoes hard labour, but I believe that we have the same labour that there is in other gaols where there are no cranks.

2723. *Lord Steward.*] You stated that you think the existing scale of dietary too high. Are the medical officers of your prison of the same opinion?
I hope it is not treason to say that I have not profound faith in medical opinions. We have a surgeon, but that question has never come to a discussion. When we were remonstrating with a former Secretary of State upon the subject of the dietary I suppose we must have had some medical opinions, but when one knows what the army and navy have, and what the union workhouses in the county have, it does not want a medical man to tell us what a prisoner requires in gaol.

2724. Earl of *Dudley.*] Practically, do you not find that your surgeon is omnipotent in the gaol?
No; if a surgeon of a gaol tells the visiting justices that he will have this and he will have that, or his patient will suffer, we must bow, of course.

2725. If he happens to be one of those who wish very much to reduce the labour of the prisoners, and to add to their diet, he has the power of doing it if he chooses, has he not?
Yes; but I should appeal to the Secretary of State in such a case. I should not take his dictum.

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2726. Earl of *Romney.*] What could the Secretary of State do when you appealed to him?
I dare say he would hear both sides.

2727. What can he do when he has heard them?
I should ask leave to produce medical authority against medical authority; doctors differ, and I know that I should succeed.

2728. Lord *Wodehouse.*] Could not the visiting magistrates represent to the court of quarter sessions the propriety of dismissing a surgeon?
Yes. Perhaps I might mention that we only lately had an instance in which a surgeon insisted upon giving the patients port wine. I am an old vice-president of the Royal Berkshire Hospital, and I know that for the last three or four years we have found what is called African port allowed by the London authorities, and it is allowed by our medical staff at the Berkshire Hospital. Therefore it appeared to me to be a monstrous thing that our felons should be better treated than our poor patients in our county hospital; and I remonstrated, and I said that those men should not have port wine at 4 *s.* a bottle when the same effect can be produced, and is produced, and has been produced for the last four years in our county hospital by African port at one-fourth the price. We found that 12 hospitals in London were using it, and we brought the matter before the medical staff of our hospital and they approved of it, and it has been a very important saving; it is given as a medicine, as so many ounces of physic. I may say that the surgeon of our gaol upon that occasion had the goodness to give way, or else I should have brought the matter before the court of quarter sessions.

2729. Earl of *Dudley.*] Have you devoted yourself to the consideration of the dietary?
Yes, I have for some years past been very anxious indeed to consider the dietary, and every other matter, in order to make Reading gaol as perfect as we could. We have been called a model gaol, and of course it behoved us to keep up our character, and especially with reference to the dietary, and therefore that anomaly is something quite extraordinary. In our 12 unions in Berkshire (I am speaking of 20 years ago, but probably it is much about the same now) the average amount of solid food given to our paupers was 254 ounces each in the week. So far as the military diet given to me in 1843 tells me, it was only 200 ounces instead of 254; the naval diet was 276 ounces, and the Reading gaol diet 334 ounces. How dare a surgeon of a gaol tell us that that is necessary? It must be remembered that it is solid food, because the soup and the gruel are all prepared by given quantities of 3 ounces of meal, 4 ounces of meat, and so many ounces of potatoes; I have reduced it all to a solid extract, and we have 334 ounces allowed for our criminals in Reading gaol.

2730. *Chairman.*] Which class are you speaking of?
Of No. 5; those imprisoned for terms exceeding four months. I should beg to submit that it is very doubtful whether, there being five diets, a man committed for four months should not begin with the first; I should put him through the several grades.

2731. *Lord President.*] Supposing your colleagues agreed with yourself as to an improved dietary, and it was approved of by the magistrates, would it not be competent for you to send up to the Secretary of State to certify the new dietary?
I shall certainly propose to do so now, having heard that in Yorkshire a very material reduction has been made, and approved of by the Secretary of State.

2732. Earl of *Romney.*] Have you never looked at the Act of Parliament to see what mode could be devised, because that has been the case ever since the dietary has been compiled; that is to say, you have the power to recommend a revision of it to the court of quarter sessions, and to send it up to the Secretary of State for his approval?
We did all we could in the time of a former Secretary of State, but lately, I confess, we have not done so.

2733. That was about 15 years ago?
Yes.

2734. *Lord President.*] Does not the fault rest with the visiting justices themselves,

selves, if for a good many years past the dietary has been what you consider an imperfect one?

I am afraid it does, I being one of the justices.

2735. Earl of *Dudley.*] Is not it your opinion that, except in cases of sickness, beef had much better never enter the gaol?

I am almost afraid to give an opinion upon that point; I am quite sure that a great deal too much comes in, and that a man in prison gets what our labourers out of doors never dream of getting; I do not suppose that our labourers ever get anything but bacon.

2736. *Chairman.*] You do not think it necessary that a prisoner should receive a higher diet in comparison to what he would receive out of doors, in consequence of the confinement?

Certainly not.

2737. Are you of opinion that separate confinement has any depressing effect upon his bodily health?

I think that it produces no effect upon his health which he has not fairly subjected himself to. As a man sows, so he must reap. I have no notion of a man coming into gaol to be cured, or to be built-up, as the doctors call it. If he does suffer, I should let him suffer. In the case of a man sentenced to a short imprisonment, such as your Lordships perfectly well know are the ordinary sentences of imprisonment at quarter sessions and assizes, and petty sessions, namely, three weeks or two months, it is impossible that in that short time a moderate diet, which is no worse than he would get in a workhouse, can seriously injure him. His life may have been, and probably has been, a life of dissipation, and he comes in with an impaired constitution, if he is an old offender; but, generally speaking, our ordinary labourers can afford to go upon half-rations just as a ship's company does, or as a garrison does.

2738. For a short sentence, at least, you do not think that separate confinement has so depressing an effect as to place a prisoner in bad health?

Not when modified by the mind and the body being reasonably employed; that makes just the whole difference. If that man were shut up by himself, doing nothing, I would not ask for a reduction of diet.

2739. Do you think that his being out in the open air in any employment has such an effect as to prevent the necessity of so much food being given him?

Our men are employed out of doors in gardening for instance, according as the case may be. I do not call that hard labour, but a gardener may do so; it is just the labour of an ordinary man.

2740. A noble Lord drew a distinction between hard labour and industrial occupation; in which would you include gardening, in industrial occupation or hard labour?

I do not profess to know what hard labour is.

2741. Lord *Lyveden.*] You stated, did you not, just now, that you did not consider that there was anything like hard labour in Reading goal?

No, nor in any gaol; I do not know what it is.

2742. If there is nothing like hard labour in Reading gaol, is that a compliance with the Act of Parliament, which prescribes hard labour for criminals?

That term "hard labour," seems to have crept into the Act of Parliament before we knew what we now know; I do not think that that word would be used now.

2743. Do you think that you are complying with the Act of Parliament in having no such thing as hard labour in your gaol?

We are complying with the last Act upon the subject, namely, the 2 & 3 Vict., c. 56; there is no such word as "hard labour" in that Act. I was examined upon that point before the Committee, and they were good enough to see the difference.

2744. *Chairman.*] Was the evidence which you refer to given when you were examined before the Committee of the House of Lords in 1847?

No; it was when I was examined before the Committee of the House of Commons, subsequently.

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2744*. You were examined, were you not, before the Committee of the House of Lords in 1847?
Yes.

2745. Earl of *Dudley.*] Do you think that the health of a gaol could be maintained without any meat of any sort except in the hospital. I do not mean of course that meat should not be converted into stock soup, but I mean meat in the form in which it is at present given?
Medically, I am informed that fat is necessary; when you give bread and water, for instance, only, you are liable to damage the man's constitution; there must be a little fat to induce digestion, but whether that answers the question with regard to meat I am not sure; I should like very much to try it.

2746. *Chairman.*] Are you aware that in military prisons for a certain length of time, 56 days I think, the prisoners have been kept altogether without meat?
No; but I am very glad to hear it; it is an argument in my favour if it be so.

2747. Lord *Wodehouse.*] I understood you to say that you thought the dietary was excessive for prisoners who were confined for short terms; do you think, looking at your diet in Reading gaol, that for class 1 or class 2 it would be possible to reduce the diet?
No; it was classes 4 and 5 that I was objecting to.

2748. With reference to the 1st and 2d classes do you think it would be possible to reduce the dietary with safety?
That is a question which I should be disposed to answer negatively. I should not presume to find fault with those classes.

2749. Your answer refers rather to the 3d class, and those classes above class 3?
Yes; class 3 is three ounces of cooked meat without bone on two days in the week.

2750. Earl of *Romney.*] In Reading gaol, is the dietary of the first and second classes adhered to?
Yes, always all through, except in the case where there is a special allowance for hard labour; hard labour is not given, and, therefore, that allowance we do not make. (*Vide* note, p. 255.)

2751. How is it regulated? If I understand you aright, the first and second class dietaries you adhere to?
Yes; we follow them all, but we disapprove of them.

2752. I am asking you not what you think, but what you do; do you really carry out the first and second class dietaries?
Yes, we carry out all the five.

2753. A short time ago you stated that, in the case of a man who is sentenced to hard labour, if you do not choose to put him to that hard labour, you reduce his diet?
Yes; with that exception, we carry out the dietary.

2754. In cases where men are sentenced to 21 days, six weeks, or four months, all those are sentenced by the magistrate or judge to hard labour, and you say that, in the first and second classes, you carry out those sentences truly with regard to the dietary?
Yes; all the way through, the same principle would be acted upon.

2755. If a man came in under a sentence for 21 days, if you have not that labour for him which you choose to call hard labour, you neither give him the hard labour nor do you give him the dietary?
We are governed in the diet by the regulation, where it is so much with hard labour or so much without. I do not think that the first and second classes say anything about hard labour.

2756. Lord *Wodehouse.*] In the second class it says, "One pint soup per week, if at hard labour;" do you diminish the dietary by one pint of soup per week, if they are not at hard labour?

Whenever

Whenever there is an extra allowance, on the assumption of hard labour; we do not give it if there is not hard labour.

2757. Earl of *Romney.*] The alteration which you make is simply taking off that which has been put in additional for hard labour?
Yes.

2758. With that exception, you obey these rules?
Yes.

2759. *Lord Steward.*] Are you prepared to specify the modification of the scale which you would propose in the cases which you have adverted to?
I should like to submit that no criminal in Reading gaol, or in any other gaol, requires, or ought to have more than the same class of men would have in the workhouse in his own county, whatever the habits of food are in that county; some have oatmeal, although we have not; some eat fresh meat, whereas, we eat bacon in our county; but whatever the class of food sanctioned by authority for a pauper in the workhouse may be, I do submit, most respectfully, ought to be quite enough for a prisoner in gaol. So closely do that class of prisoners follow the amount of food given, that I recollect a young man being in Reading gaol for the seventh time. I asked him how that was, and he said, "I like your victuals best," which was an honest answer. They know the diet to an ounce, and wherever the food is best, that is the gaol that they would go to. If a man gets more in the gaol than he does in the workhouse, he prefers the gaol.

2760. *Lord Steward.*] You answer applies, does it not, both to the quantity and to the description of the food given?
I have taken the weight as the best criterion; a pint of soup may be indefinite, but if a pint of soup or a pint of gruel is composed of certain ingredients, namely, three ounces of oatmeal, and three ounces of meat, that is the weight.

2761. Earl of *Malmesbury.*] When you state that you wish to assimilate the food to that which a man has in the workhouse, you mean that the food should be of an analogous kind; you do not mean exactly the same food, because in my county a great many people feed upon bacon; but you are aware that bacon is dearer than other meat, the price being actually more than that of mutton?
I mentioned that in different counties the food of the country people varied, but I would, as a rule, say this, that no person in a gaol should have better food; and I should very much prefer saying that he should have a lower class of food and lower in quantity, than the same man would get in a workhouse.

2762. Lord *Wodehouse.*] You would not think that it was necessary to give a prisoner for breakfast "one pint of cocoa, made of three quarters of an ounce of flaked cocoa, or cocoa nibs, sweetened with three quarters of an ounce of molasses or sugar"?
I call it wicked; there is no earthly necessity for it.

2763. Earl of *Dudley.*] Do you think it is necessary, as the inspector recommended in one gaol, that to that which has just been read by the Noble Lord you should add a little milk?
It is monstrous.

2764. *Chairman.*] Are you able to give the Committee any information upon the subject of the reformation of criminals who pass through your gaol?
We have this fair ground of comparison. I think I mentioned before that if crime is reduced in a county, the effect of it will be shown by fewer prosecutions for crime at assizes and at sessions. I was looking last night over a return which we have made for the last four years, and I find that the prosecutions at assizes and sessions are less by half than they were six years ago.

2765. May not that be influenced a great deal by the summary jurisdiction?
I have no doubt that that has had a very important effect, but still not the whole.

2766. Have you any return of the number of prosecutions at assizes and sessions in the county of Berkshire?
I think that upon that point probably the best criterion would be the decennial return, which I have prepared for the quarter sessions every Michaelmas, of the crime of the whole county for the last 10 years. That shows, with reference to

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Berkshire, that although the last two years shows an increase in our number of prisoners in Reading gaol, yet, dividing that 10 years into two quinquennial periods, in the last five years there has been a reduction of crime of nearly 16 per cent.

2767. Have you that statement here?
Yes.

2768. Will you have the goodness to put it in?
Yes—(*The witness delivers in the same*).

2769. Are you not aware that that has been the case all over the country?
I apprehend it is just the reverse.

2770. Do you include in that return of yours the convictions under the Summary Jurisdiction Act?
I do; not only at Reading gaol but for the whole of the county, including Abingdon gaol.

2771. That is to say, not only the convictions at assizes and sessions, but also the convictions under the Summary Jurisdiction Act?
Yes; the whole county, whether at Reading gaol or at Abingdon gaol.

2772. Viscount *Eversley.*] Is that the whole number of the convicted prisoners?
The number of prisoners in gaol, convicted or not.

2773. *Chairman.*] Can you state the number of re-commitments?
I have a return of the re-commitments.

2774. Are those re-commitments confined to Reading gaol, or do they also include those of Abingdon gaol, or any other gaol within the county?
The re-commitments include only Reading gaol.

2775. Have you no account of the re-commitments in Abingdon gaol.
No.

2776. Is that information contained in the table that you have just put in?
No.

2777. Will you have the goodness to state the number of re-commitments in Reading gaol?
I have them for 10 years. In 1853 there were 205 re-commitments; in 1854, 223; in 1855, 196; in 1856, 166; in 1857, 220; in 1858, 181; in 1859, 153; in 1860, 148; in 1861, 155; and in 1862, 173.

2778. According to that table the number of re-commitments are increasing, are they not?
They have increased in the last two years; the lowest number was 148, in 1860.

2779. They have now risen to 173?
Yes; up to last Michaelmas.

2780. Will you state what was the highest number of re-commitments?
Two hundred and twenty-three in 1854; the lowest number was 148, in 1860; a copy of this return was forwarded to Lord Carnarvon by the governor of the gaol, at his Lordship's request.

2781. Earl of *Romney.*] The return to which you alluded before takes in Abingdon gaol as well as Reading gaol, does it not?
My return as visiting justice to the quarter sessions includes the whole crime of the county, and therefore includes Abingdon gaol.

2782. Is Abingdon gaol conducted upon the same system as Reading gaol?
No; there are very few prisoners there; there are not above half-a-dozen county prisoners in Abingdon gaol.

2783. *Lord Steward.*] Under those circumstances, might it not be expedient to transfer the Abingdon prisoners to Reading?
That is what we, at our end of the county, have been extremely anxious to do.

2784. Earl of *Dudley.*] That has been the one question between you for some years, has it not?
Yes.

2785. *Lord Steward.*] Irrespective of the advantages to the county, would it not be productive of advantage to the prisoners and to the discipline of the gaol?
Yes, undoubtedly, and we should save 600 *l.* a year by it.

2786. But with regard, more particularly, to prison discipline and prison management, might it not be rather difficult to maintain a proper system of discipline in a gaol in which so few prisoners were confined?
Yes; it is a great pity that the prisoners are not all sent to Reading.

2787. *Chairman.*] You have quoted a paper which was sent by the governor of the gaol to Lord Carnarvon, and which I hold in my hand. I find from that return the total number of prisoners admitted to the county gaol and the house of correction at Reading in 1862 to have been 760; is that correct?
That includes, I think, something which should not be there; I think it includes prisoners sent to prison for re-examination. Such a man is not a convict; he is not in prison for trial even; he is not even committed, but he is there for safe custody.

2788. It is not usual, is it, to commit a person to gaol on remand?
It is constantly done at our petty sessions.

2789. You have stated, have you not, that the number of vagrants has diminished very much in Reading gaol?
They have increased in the last year.

2790. It is stated in the same return that the highest number was, in 1853, 113, and in 1862, 101?
Yes; in 1859 there were 87; in 1860, 80; in 1861, 96, and in 1862, 101; that is a progressive increase.

2791. It would appear that no diminution has taken place later than 1857?
Probably that is the case, but in the decennial return I have not made a classification of the prisoners.

2792. If this return be correct, there is not a very material reduction in the number?
The return, which I hold in my hand, I should prefer as being the more correct; it is the decennial return of the proportionate expense, showing that by the reduction of crime our county rates are very much diminished.

2793. Lord *Wodehouse.*] There has been a return sent to Lord Carnarvon, of the employment of the prisoners; is that return correct?
That return I believe is from the governor. The governor was with me last night, and he told me that he had sent that return to Lord Carnarvon at his Lordship's request; and whatever he has said I should place perfect reliance in. He is a very valuable old servant; he has been connected with the gaol 40 years.

2794. Will you have the goodness to look at that return—(*handing the same to the witness*)—and if you think it is correct, will you put it in?
I consider that it is a correct return—(*delivering in the same*). There is one point that we object to, namely, that the prisoners have 10 hours in bed. We think eight hours sufficient, and we are going to mend our ways, as I hope it may be considered, in that respect.

2795. At what hour are the prisoners locked up at night?
At eight and nine o'clock; but at any rate they have 10 hours bed; they are ordered to unstrap their beds and go to bed, and I think that objectionable.

2796. At what time are they shut up in their cells?
They are always shut up except they are on duty, and doing some particular work.

2797. Have they light all the time?
Yes.

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2798. At what time are the lights put out?
That varies with the time of the year; the lights are put out at eight o'clock or nine o'clock, according as the time of the year may be.

2799. And they get up at what hour in the morning?
At six o'clock.

2800. If they are locked up at eight or nine o'clock at night, do they remain in darkness, without occupation, during that time?
Yes, necessarily so, and that is what I object to. I think that our prisoners should not be compelled to go to bed for any period allowing them more than eight hours bed. We cannot prevent a man going to sleep in his cell upon his three-legged stool; but he would not be quite as comfortable as in bed.

2801. *Lord Steward.*] You would not allow him to unsling his hammock, and go to bed before the appointed hour?
No.

2802. *Chairman.*] When is the last visit made by the governor or the turnkey?
There is a warder on duty the whole 24 hours, taking it by turns like a watch on board ship.

2803. Do they visit the cells at a particular hour in the night?
The warder on duty orders the gas to be put out at the appointed time, whenever it is, say eight o'clock.

2804. Does he go into the cell of the prisoner, or does he simply put out the gas?
He orders the gas to be put out, and if the prisoner does not understand him of course he would open the door and put it out for him.

2805. Does each prisoner put out his own light?
Yes; it is in his cell, and he has the power of putting it out, and he could not light it again; but if he did not know how to do it, the warder would go into the cell and do it for him.

2806. How is the escape of gas prevented?
There is only the ordinary stop key that there is in all gas pipes.

2807. Lord *Wodehouse.*] What sort of bedding do the prisoners have?
They have a hammock, which I think objectionable.

2808. *Chairman.*] When a prisoner is first confined is he allowed a hammock, or does he sleep upon boards?
We have no boards, except when a man has fits, and he is obliged to sleep upon the floor; all the prisoners sleep in hammocks slung from side to side of the cell, which I think objectionable, but we have no other kind of bed.

2809. Lord *Wodehouse.*] On what ground do you think it objectionable?
I think it is too comfortable; I would give a man a hard board like a soldier has in the guard-room; I think cleanliness is essential, but anything in the shape of luxury I think is a mistake.

2810. *Chairman.*] In the solitary cells for punishment have they any bedding?
We have not used them for eight or nine years, but there is a bed in them which, I think, is a wooden bed; it is a flat bed on the floor.

2811. You have expressed a decided opinion with respect to the advantage of separation in chapel?
Yes, undoubtedly; I have not the least hesitation in saying so after 16 years of close observation. I was six years acquainted as a visiting justice with the associated principle in our old gaol. We opened our new gaol in 1844, and since that time my attention has been weekly paid to everything going on there; it has all come under my own personal observation, and I feel the strength of truth in what I say.

2812. *Chairman.*] I see that masks were worn in your gaol; is that system continued?
Sir Richard Vivian, when he was Member for Helston, attacked us in a pamphlet, accusing us of tyranny under the plea of benevolence. I felt that that imputation was more than I was bound to submit to as a visiting justice, and I answered

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answered him in a pamphlet. Those masks were just caps, with the peak coming down just below the nose, so as to make it impossible that one should recognise a man; but the mask was simply a lower peak than ordinary caps had. That kind of mask we use now, and we think it a mercy to the prisoner.

2813. Have you found it necessary or expedient on any occasion to recommend a remission of sentence to the Secretary of State?—Yes.

2814. Will you state on what occasion you have done so?
We have occasionally had men of feeble constitutions come in, suffering under epilepsy, or consumption, or incipient insanity. It was supposed that the separate cell system would induce insanity; but it is a great fact, which is quite worth submitting to your Lordships, that for the first four years after the opening of Reading gaol, although there were 30 in each year who ought to have gone mad, that is to say, insanity was more or less developed in themselves or in their families, yet there was not a single case of insanity in the gaol.

2815. In cases of illness, or anything of that kind, have you applied for a remission of sentences?
Yes; whenever the life or the mind of the prisoner appears to be in danger we feel it to be our duty to apply to the Secretary of State for a remission.

2816. Have you ever applied for a remission of sentence on the ground of good conduct?
I am not sure that, some years ago, there was not such a case, but we reconsidered the matter, and never did so again.

* *Note.*—This was our practice, but I have since found that in consequence of "extra diet" being so frequently ordered by the surgeon, the inspector advised that hard labour diet should be allowed, in order that extras might be avoided.

The Witness is directed to withdraw.

E. Shepherd, Esq.

EDWARD SHEPHERD, Esquire, is called in, and examined, as follows:

2817. *Chairman.*] WHAT position do you occupy?
I am Governor of the West Riding Prison at Wakefield.

2818. Have you been so for many years?
Yes; I have been governor 31 years, and I was six years previously deputy-governor, so that my experience in that prison extends over 37 years.

2819. How many prisoners have you generally at Wakefield?
The prison at Wakefield is divided into two parts; it contains the West Riding prisoners, and it lets off to the Government two wings containing 400 convicts. In the West Riding part of the prison there are now about 1,000 prisoners; the average for the last year was between 960 and 1,000.

2820. You pursue the same system very much as is pursued at Pentonville, do you not?
With regard to the convicts, we do exactly the same; and with regard to the majority of the West Riding prisoners we do the same also; but the prison is not large enough to hold all the prisoners in separate cells, so that the system called the "silent system" is in operation for a certain class of prisoners.

2821. Are they classed at all in the same manner as they are in the diet table?
No; the separation is not very marked; for instance, men advanced in years would not be sent into separate confinement; men whom the prison discipline would not be likely to affect either for good or for evil, and prisoners for short periods are not all sent into separate confinement, unless they are young, from 19 to 25 or 26 years of age, as that is the most dangerous age of their life; therefore nearly all of them are placed in separate confinement.

2822. How many separate cells have you in your prison?
Five hundred separate cells at this moment; the numbers are great now.

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2823. Have you any hard labour?

Not under the definition of the treadwheel or crank labour, but we have industrial labour; we pursue the industrial labour very attentively; it is made a thorough business of, and it is also considered a great part of the prison discipline, that the men should be subjected to such hard labour as can be obtained from trades. It is exceedingly difficult to say what is hard labour and what is not, for you may stand over a man with a rod in your hand and you will not get him to do above a certain quantity of work by punishment.

2824. Earl of *Dudley*.] But it is a different thing, is it not, with the treadwheel?

It is. We had the treadwheel formerly, but it is so uncertain a punishment that it was given up. Some men suffered materially, and lost as much as five pounds weight in a week; it affects certain classes of persons much more than others; sedentary persons would suffer severely.

2825. *Chairman*.] How long is it since you have given up the treadwheel?

I think it was given up in 1846.

2826. Lord *Wensleydale*.] On whose order was it given up?

It fell into disuse; it was never specially ordered to be given up, but it fell into disuse; the magistrates generally disapproved of it.

2827. Earl of *Malmesbury*.] Did not you find that the men, when they got used to it, could work with much greater ease than at first?

Yes; and that in another respect makes it an uncertain punishment, because when they got used to it, it was not very much of a punishment; their mode of treading, and other things, made it easy to some in comparison with what it would be to other persons.

2828. But still it was not so easy as if they had none at all?

I am not sure whether very good discipline, carried out with severe labour, is not a better plan than anything that you could have on the treadwheel, and it is hard labour for the general run of prisoners.

2829. Earl of *Dudley*.] Do you take it upon yourself to dispense with a sentence of hard labour which has been passed by a court of law?

No, I never knew that hard labour meant the treadwheel; there is no such law that I know of; hard labour means hard work. There is a record which goes to the judges of the land from Wakefield every assizes, stating what is the labour which the prisoners pursue in that place, and it has never come back to us with the remark, "You have not carried out the sentence that was ordered by us."

2830. Earl of *Malmesbury*.] But, in the common acceptation of the term, would you call the treadwheel hard labour, or hard work?

Yes, but I would call other employments hard work, also.

2831. How can you get hard labour out of a prisoner who is engaged in mat-making, or in any other industrial occupation?

I can do it very well.

2832. *Chairman*.] What trades do you employ the prisoners in, in Wakefield gaol.

Shoemaking, tailoring, mat making, and weaving, It is quite easy to compel a prisoner to do a certain quantity of work, which quantity of work amounts to hard labour.

2833. Earl of *Dudley*.] Can you tell the Committee the method by which you compel a man to do what you consider a hard labour day's labour.

By experience we know what an average quantity of work is, and what all men ought to do; every man that does less than that quantity is punished.

2834. But the great proportion of those who come to you, have to be instructed in their industrial occupation, then, for the first time, have they not?

Yes.

2835. Can you, therefore, establish any average of what a man just beginning a new trade, can possibly do in a day?

For a certain length of time, say one month, a man is considered a learner, according to circumstances, according to the sort of trade he is going to pursue. He has to make a certain number of mats every week; for example, supposing he had six to make, the first week he would make two, and the second week three; and

and supposing he continued at three for a week or two longer, and did not advance up to six, he would be brought before me, the governor, and I should say, "You have been long enough here to make more, and if you do not make more week by week you will be punished," and he would be punished till he made the required number.

2836. The required number would be six?
Say six of one kind, for instance.

2837. Are those six mats anything like what a man would do if he were working for himself out of gaol?
No. There is an establishment at Wakefield for giving employment to discharged prisoners, which has been in operation since 1856, where the men when they go out of prison have the same employment that they have had inside, and they have to earn their own living; they have to work by the piece, and they make nearly three times as many.

2838. Still do you hold to your definition of its being a hard day's labour to make this maximum quantity of six mats a week?
I should perhaps explain that the exercise in prisons, the parade, the chapel, the school, and other things of that sort, take off many hours of labour in the day. When they are out of prison they are employed from six o'clock until nine at night, but when they are in prison then I very much doubt whether they really work above eight hours, or even quite as much as eight hours, in any prison. I believe that the work is as long in Wakefield as anywhere.

2839. Have you a statement of the occupations of the prisoners in the gaol from six in the morning to nine at night?
I have not it with me, but I could give it in such detail as would be intelligible.

2840. Lord *Wensleyale.*] What is your measure of hard labour; how much a day?
When I stated that six mats was the average, I should have said that whenever a man can make more, we compel him to make more; but six is the minimum. If a prisoner can by dexterity or otherwise make more than that, and if he is not industriously employed the whole of the day, he would then subject himself to be punished, because although he made the average quantity, he would not make what he could really and truly make by hard labour.

2841. Lord *Lyveden.*] What is the punishment that you would give him?
Bread and water for three days.

2842. For a failure in one day's fulfilment of employment?
Yes.

2843. *Chairman.*] Could you give the Committee the detail of the employment of the prisoners during the day?
They rise at half-past five, and work from six to half-past seven.

2844. Are they called up by a bell?
They are called up by a bell; but the officers go to every man's door a little before six to have them up, so that they really are at work at six. They have their beds made and their cells all cleared and ready for work at six o'clock. Certain of the officers who sleep in the prison go round every morning, beginning at half-past five, and they have the men up, so that the general run of the officers when they come in at six find all the men ready for work at that moment. They breakfast at half-past seven; from half-past seven to nine, breakfast and attendance at chapel, chapel being immediately after breakfast; from nine to one work; from one to two dinner; from two to seven work; then supper. From that time to nine the men may either read or work as they think proper in winter and summer, alone in their cells. They go to bed at nine, at which hour the lights are put out.

2845. *Lord Steward.*] Is there any restriction as to communication?
They are never allowed to converse at any time.

2846. Earl of *Dudley.*] Are they under the surveillance of the officers at all times?
Yes.

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2847. Lord *Wensleydale.*] Are they under the silent system?
Yes; they are not allowed to talk.

2848. Earl of *Dudley.*] From half-past six or seven to nine do they occupy themselves in work or reading?
Yes.

2849. Is that the time they have instruction given to them?
No; the prisoner is his own instructor in that time; he is instructed in the middle of the day. I will now give your Lordships the deductions from those times. There is an hour and a half of exercise; that is to say, one hour one day and two hours the next, making an average of an hour and a half.

2850. When does that come?
Whenever the exercise is twice a day, and two hours in all, it comes one hour in the morning and one in the afternoon; it is never two hours together.

2851. That is taken out of those two times of work between nine and one, and between two and half-past six?
Yes; and the time of school is also taken out of the same hours of working; but the length of that time depends entirely upon the man's knowledge; I should say that it would average fully half an hour a day for all; it is an hour for some of those who are the most ignorant persons, but I have no doubt that it averages fully half an hour a day.

2852. Does that come out of the first working time or the second working time?
Out of both the working times; the school is going on all day for some classes.

2853. The only deduction for school is half-an-hour, on the average?
Yes; just so; but perhaps, on consideration, it is not quite as much as half-an-hour's instruction, on the average; then there is the inspection of the surgeon, and the inspection of the chaplain, and the inspection of the governor, and the parade of the men. I am quite sure that you might with safety take off a quarter of an hour a day more for that, but not more, from the actual hours of labour.

2854. The maximum of your work is, therefore, six and a-half hours a day?
I think it is seven and a-half hours on the day on which the two hours are taken for exercise, and eight hours the other day; but the Act of Parliament prescribes ten hours.

2855. *Chairman.*] Did you adopt the eight hours from any idea of the sufficiency of that labour?
No; we adopted the eight hours because we could get no more with these unfortunate interruptions. I have at all times advised that the school should be after half-past seven. I think that it is a very improper thing that a prisoner's working time should be occupied by school.

2856. Have you ever made any representation of that kind?
Yes, to the magistrates.

2857. Earl of *Dudley.*] Are not you absolute in that matter?
No; the difficulties rest on the score of expense, in some respects. The schoolmasters are employed at mid-day; if they were employed in the evenings only they would have so great a number to teach that we should require perhaps four or five times as many schoolmasters, because they would have them but one hour to teach, whereas now they have eight or nine to teach in the whole day.

2858. In one word, your answer is that two or three schoolmasters, as is the case now, would not be sufficient to give every man a modicum of instruction if the school were to be after seven o'clock?
No; it would be abundant if we increased the schoolmasters.

2859. Lord *Wensleydale.*] How many schoolmasters have you?
Two; no instruction is given to the short-time prisoners; it is only those for three months, and upwards, to whom instruction is imparted in the school.

2860. Are the prisoners for shorter sentences than three months employed in a different way from the others?
Yes.

2861. In what manner are they employed?
Prisoners committed for seven days and ten days are not employed at all; they are kept strictly separate, on bread and water.

2862. Earl of *Dudley.*] You have neither the treadwheel nor the cranks?
No.

2863. Do you grind your own corn?
No; we buy the flour.

2864. How is the water supplied to the gaol?
From the town.

2865. There is no labour used either for grinding flour, or for procuring water?
No.

2866. Lord *Wensleydale.*] Have you any breaking stones?
No.

2867. Earl of *Dudley.*] You have no compulsory hard labour of any kind?
No; no other than what I have stated.

2868. By "compulsory labour" I mean where the men must follow the wheel as it revolves?
Precisely so. Supposing a man says, as is sometimes the case, "I will not work at the crank, and I will not work at the treadwheel," what are you to do more than I do? You can but send him into solitary confinement, on bread and water.

2869. *Chairman.*] Have you not the power of inflicting corporal punishment on the authority of the visiting justices?
Yes; but I think it is a punishment which the visiting magistrates would not inflict for idleness.

2870. Earl of *Dudley.*] Not for refusing to carry out the sentence of the Court?
No, they would not; they never have done so; they are opposed to it, and I think they would not do it.

2871. *Chairman.*] Are the Committee to understand that you object to corporal punishment?
Yes, I do. I object to corporal punishment, except for one offence connected with prisons, and that is, serious assaults upon officers; that is the only case in which I should recommend corporal punishment.

2872. Earl of *Dudley.*] Therefore, if things come to an extreme pass, your authority as well as that of the visiting justices is set at defiance?
I have known such cases.

2873. If they will not work, you do not make them work?
If a man will not work, and if a man has reduced himself so low by punishment, that he can bear punishment no longer, I have known cases in which we have quietly pocketed our authority. They are very rare cases indeed; but I merely mention that I have known such instances.

2874. In one word, if he has the power of endurance and the will also, he is stronger than you are?
Yes, there have been such cases.

2875. You therefore use the discretion that you have, acting under the orders of the visiting justices, and do not carry out the sentence passed by th e law, because the law says, that the prisoner is sentenced to so many months of detention in the house of correction with hard labour, but that labour, beyond industrial occupation, you do not force him to perform?
Industrial occupation is, in my opinion, and in the magistrates' opinion, hard labour.

2876. Do you feel yourself justified in saying that you consider hard labour to be industrial occupation?
I do, most assuredly. I am quite sure that as it is carried out in the prison at Wakefield, it is hard labour.

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2877. Lord *Wensleydale.*] What is gentle labour as contrasted with hard labour?
What would be understood by picking oakum.

2878. *Chairman.*] You have the same dietary in Wakefield which existed in May 1850, have you not?
We had up to a few months ago.

2879. Have you the dietary now in use which was passed in June 1862?
Yes; it was passed in June, but it came into operation in September.

2880. Was the dietary of May 1850 determined by the visiting justices, or was it fixed under any special order of the Secretary of State?
The old dietary was compiled by direction of the visiting justices in the first instance, and afterwards sanctioned by the Secretary of State.

2881. You have had an alteration since May 1850?
Yes.

2882. Was it fixed by the visiting justices?
Yes.

2883. Was it sanctioned by the Secretary of State?
It was sanctioned as an experiment for six months by the Secretary of State, and no longer.

2884. Those six months have expired, have they not?
Yes; and we have applied to have the term renewed.

2885. What was the difference between the two diets, as to the amount of solid food?
It is very difficult to understand the diet in that form, but I thought it possible that I might be asked that question, and I have prepared it in this form. Perhaps I should be understood if I gave it to the Committee in a short detail, and it shall be as short as possible. I have classed the food under three kinds, that is to say, cereal (such as bread, flour, oatmeal, and peas); vegetables (such as potatoes), and cooked meat. Under the old diet, a prisoner committed for one month had 173 ounces of cereal food in the week, 36 ounces of vegetables, and no cooked meat; making a total of 209 ounces in the week. The new diet is, cereal food, 169 ounces, vegetables, 56 ounces, cooked meat, six ounces.

2886. Then, in point of fact, you have increased the diet by the addition of cooked meat?
Yes; the difference in the total amount would be as between 209 ounces and 231 ounces. The whole of this new diet is part of a plan for trying an alteration of the discipline generally. I brought before the visiting justices certain facts connected with the prison at Wakefield, as far as regarded the committals and the recommittals, and certain facts connected with the prisons in England and Wales under the same circumstances. In the prisons in England and Wales for the 10 years ending 1858, there were 120,398 persons committed annually; in the following two years there were 108,159, making a reduction in each of the two years of 12,100. I brought this before the magistrates, and I stated also that the tables, upon careful consideration showed that there was a considerable defect either in criminal administration, or in prison management, because the same tables show that 83,200 persons were committed for the first time to prison in the earlier 10 years, and in the later two years when there was a diminution of 12,000, there were 71,200 persons committed for the first time; that is to say, who had never been before in prison; so that the whole decrease in the two years was upon persons who had never been in prison at all, It appeared, therefore, that other causes than prison management influenced that great reduction. The recommittals would enable us to see about how far prison management or other causes had kept up the number of criminals. There were recommittals for the first offence in those previous 10 years, 16,370, as compared with 15,400 committed twice, 7,100 in the earlier 10 years as compared with 6,850; and committed three times, 3,836, as compared with 3,846 in the later two years. We then come to those who were imprisoned a greater number of times, and we find that in each of the earlier 10 years, the number was 9,809, and in each of the later two years, 10,746; so that it was quite clear that it was the recommittals of persons that were keeping up the number of criminals

criminals in this country. It was not what I may term the original offenders, because they were reduced to an enormous amount, to within 258 of the whole decrease. I brought this before the magistrates, and I stated that possibly one of the causes was a defective discipline (certainly it is a minor cause), of the continued increase. There is another cause which I think is a much more important one; but one cause was the defective discipline, and as this was general not only in Wakefield but throughout England and Wales, there must be some general cause. It was quite evident that prisoners were treated in some way that did not either deter or reform them; and the magistrates, therefore, directed me to draw up some plan by which, if it were possible, either a deterring influence or a reforming influence might be brought to bear upon the prisoners, according to the length of their sentences. I did so, and a plan was introduced into the prison of various privations in the earlier stages, such as strict separate confinement in a cell, no visiting or correspondence of any kind, no books, no exercise, and a low diet. A man when he came into prison was kept for the first 14 days on a strict discipline on purpose to try what effect it would have in the way of depression. At the end of a month, if his conduct was perfectly satisfactory, he might have certain indulgences granted him, and be allowed the diet that is before your Lordships, namely, the third class of diet now in use. Every prisoner, when he came into prison, was placed on the lowest class of diet; and, up to lately, he had been subjected to the discipline that I mentioned before to the Committee, for 14 days. At the end of a month, if his conduct was very good (and his conduct was recorded by marks), he was allowed a better class of diet, namely, the third class, and certain indulgences; for instance, the writing a letter to his friends, or receiving one, books, and writing materials (by books, I mean other books than the Bible and Prayer Book, which is given each prisoner at the first), and exercise, according to his conduct and industry. These improvements went on until he had advanced from stage to stage, until he came to the advanced class; and he could arrive at that class by very good conduct indeed in nine months. The effect of this discipline was very surprising, as far as regarded the conduct of the prisoners and their industry. The report that was laid before the Quarter Sessions the other day has this extract: "In August last the Secretary of State sanctioned, as an experiment for six months, a new scale of diet, recommended by the visiting justices. This scale came into operation in September, and in connection with it a new system based on that carried out in the Irish convict prisons. These experiments appear to work well, although there has been a much larger number of prisoners in custody, yet owing to the improved method of discipline there has been a great diminution in the number of punishments for misconduct. In 1861 there were 1,153 prisoners punished; in 1862, 479, and 170 reduced in class. The average number in custody was considerably greater in the year 1862 than in the year 1861."

2887. I understand from that that the effect of your new discipline has been that you have fewer punishments in gaol?

That is one effect, and the other effect has been with regard to the industry of the prisoners. It is difficult to measure the industry on the whole scale throughout the prison, but I will give the Committee the effect in one room. There is a room in which 30 prisoners work, and the profit to the trade, from the work of those men, is at the rate of 2 *d.* on the square yard of floor matting, after all the expenses are paid. The men had no share of their profit, under any circumstances, before December last. The average quantity of work that they did for the year was of the value of 40*l.* 13*s.* per month. In the month of December, by the directions of the magistrates, we tried this experiment. We said to the prisoners, "If you are industrious you shall have extra food for your industry, according as you work beyond a certain amount." The first month, that is to say, in December, they earned 44*l.* 14*s.*, and the value of the food which was given amongst the whole 30 in the shape of extra diet was 7*s.* 1*d.* In the next month, the month of January, they earned 51*l.* 18*s.*, and they had 12*s.* 3*d.* extra diet given to them. In the next month, February, they earned 61*l.* 11*s.*, and they had 15*s.* 4*d.* extra diet given to them. And in the next month, March, which is the last I have taken an account of, they earned 72*l.* 8*s.*, and 19*s.* 2*d.* was the value of the extra food that was given to them. The profit on their work had risen in four months from 40*l.* 13*s.* to 72*l.* 8*s.* a month.

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2888. You look upon this, do you not, as an economical question in point of money?

I did not intend to place it in such a light; it is a low estimate, to look at it merely in a money point of view. I wish to place it before the Committee as a something that could be done by holding out inducements to prisoners. Instead of the usual course in all cases of punishment which, as I told your Lordships a short time ago, was very unsatisfactory with regard to getting a quantity of work done, I hold out a hope to the man. I say, "If you will do more work, you will receive more for it." It might be better, perhaps, to pay the men something on discharge; but it does not come direct to them day by day, as this matter of food does. They feel every day that they have gained something, and they exert themselves in consequence; and when one considers that nearly double the amount of work is done compared with what used to be the case, it is astonishing what effect a little inducement of that kind has upon them.

2889. Then you imagine that you make the prisoners more industrious by that means?

Yes; I conceive that if you induce industrious habits under any guise you like, you are doing good. The men are sent to prison because many of them are dirty, slovenly, idle men, and they are sent to prison if possible to eradicate those habits, and if you can eradicate them by inducements of any sort (by punishments I am quite sure you cannot in many instances), I feel that one is doing them good.

2890. May you not render the gaol rather too comfortable for them, so as to make them wish to come into it?

That is always to be dreaded, but what I began with at first was a statement of making it as hard in strict confinement as I possibly could, bearing in mind that a man, even if he be advanced in class, may be reduced back again by misconduct.

2891. You abandon altogether the punishment of the individual and the object of deterring others from committing crime?

I think I have not said so, because I have said just the contrary; I said that I made the place as severe as I could for a short time; in fact, I recommended one thing more which I should like to have generally adopted throughout the country; I recommended that every man who is sentenced to a short period, when he comes into prison, should sleep on a guard bedstead; of course I exclude old men and women. You cannot make the place too severe for a man at first. When I state that many prefer the prison to the workhouse, it is what every one knows; but it really is a startling thing that it should be so. I am given to understand that they even prefer the prison to the reformatory, which I am also very sorry to hear.

2892. Earl of *Dudley.*] Have you ever visited a reformatory?

Yes.

2893. *Chairman.*] With regard to the increase of diet, do you think that that tends to make them dislike a prison?

I think I only began with one month; if your Lordship would go forward through this dietary with me you would see that we have a scale for two months and three months and upwards, although we always begin at the low scale. Formerly if a man was sentenced for 12 months we gave him the best diet, that is to say, we gave him the diet that you find marked on the table as No. 1, the day he came into the prison. Now we give him the lowest diet, and he must work his way upwards to the better diet.

2894. What is the use of long imprisonments?

When imprisonments are for short periods a man can bear a little pinching and a little loss of weight, but the more they work and the longer they are in prison the better diet do they require. This diet is perhaps not the very best chosen diet, but we are trying to improve it; the principle is good, and I have no doubt that in a second attempt we shall have it better adapted. At present I think we begin too low for men of long sentences. What with the pressure of the separate confinement and the low diet, I think they break down rather in the beginning, and they do not recover when they get the better classes of diet. The difference between the old diet and the new is, that on the old diet whatever length the man's sentence was, he began with that diet the day he came into the prison. Now

Now we make him begin with the low diet, and work his way up by his good conduct; and it works in this way: a well conducted man gets a better class of diet, whereas a badly conducted man remains in the fourth class the whole of his time, and does not get out of it at all.

2895. Earl of *Dudley.*] Are there many of them that remain in the low class? I do not know of more than three. I inquired amongst the subordinates, and we could not discover more than three who were in for long periods who had not been advanced. Many who are in for two months do not get advanced at all, although they would be advanced if their conduct was good.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, One o'clock.

Die Martis, 21° *Aprilis* 1863.

LORDS PRESENT:

Duke of Richmond.	Earl Cathcart.
Duke of Marlborough.	Earl of Ducie.
Marquess of Salisbury.	Earl of Dudley.
Lord Steward.	Lord Wensleydale.
Earl of Carnarvon.	Lord Lyveden.
Earl of Romney.	

THE EARL OF CARNARVON, in the Chair.

EDWARD SHEPHERD, Esquire, is again called in, and examined as follows:

2896. *Chairman.*] IS there anything that you wish to add to your evidence on the last occasion of the meeting of the Committee?

I was directed to give the Committee some further information upon certain points upon which I was examined at the last meeting. First, with regard to the routine of the prisons, I stated that the hours of labour were eight-and-a-half hours, but I did not give exactly the particulars; we only arrived at eight hours. I have now before me the routine. The bell rings for the prisoners to rise at half-past five; the cells are cleaned before six in the morning, and they are washed on two days in the week after work hours. The prisoners commence work at six; they breakfast at 7.30; chapel at eight; commence work again at nine; work until one; dinner at one; commence work at two; and continue work till supper, at seven. The gas is lighted until nine, when the prisoners go to bed. The hours of work in the gross, therefore, are ten and a half, and the deductions for exercise are an hour and a half; school and other interruptions of work an average of half an hour, making the total hours of work eight hours and a half. I have brought an extract from the prison rules with regard to the school; the rule is this: "Adult prisoners, sentenced to hard labour, shall have one hour's instruction separately, or in a class during the hours of labour." "Each prisoner twice a week, according as the chaplain finds it practicable, and all the other prisoners, shall have such an amount of time allowed for instruction as the chaplain may think proper."

2897. Marquess of *Salisbury.*] Did not you state that a larger number of schoolmasters would be necessary if the instruction were given after the hours of work?

Yes. I have considered that point also. I think it is so important that the school should be after the work hours in the evening, which is what is natural out of doors to every one, that I have consulted the schoolmasters and the officials as to the expense. I spoke rather off-hand in my former examination with regard to the expense. I thought that it would add materially to the expense; but now I find, on close examination, that it will not add anything to the expense. More schoolmasters, it is true, would be required; I think, in place of two, perhaps six would be required. The time occupied being only one hour and a half, or two hours, in an evening, it is possible to obtain instructors, who would not be engaged the whole of the day, for a small

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remuneration per annum; and I have come to the conclusion that it would not add to the expense of the prison in the least.

2898. *Chairman.*] Would there not be a great advantage in having one fixed hour of the day during which the instruction should be given, rather than making it variable, and, consequently, dependent upon the discretion of the chaplain or schoolmaster, as the case might be?

I believe the best plan would be that the instruction should be given at a fixed hour to persons sentenced for a certain length of time, and that the instruction should be uniform.

2899. Do you, from your experience, foresee any practical difficulty in making the hours in the evening, say from seven till nine, or from eight till nine, as the case might be, the time when instruction should be given under those circumstances?

No, I do not; I see no difficulty whatever which is not easily surmountable by other arrangements with respect to the schoolmasters, the officers, and the chaplain perhaps.

2900. And, on the other hand, by adopting that fixed time at which the instruction should be given, of course a great gain would result to the discipline and to the regularity of the hours in the prison?

Yes, very great; and to the earnings also, for those are points, of course, which one has to consider in any recommendation; I believe that the continual breaking off of the employment, and prisoners frittering away their time, is bad, and that it is better for them to work continuously during the hours between meals.

2901. One of the witnesses, when examined on this point, stated that there would be considerable difficulty in giving instruction in the evening, inasmuch as the prisoners would be liable to go to sleep over their work; do you imagine, from your practical experience of this question, that that difficulty would be a serious one?

I think not; I think that people out of doors go to evening schools who work very hard indeed all day, and I see no difficulty whatever; in fact, I think it would be a very great improvement.

2902. What is the number of prisoners that you in practice admit to a class for instruction?

I think the number would be in a great measure dependent upon the extent of their previous knowledge; for instance, only a few uneducated prisoners could be taught together by one schoolmaster, but many might be taught together if they were in some degree advanced in education. I think that the highest number that it would be desirable to assign to one schoolmaster would be 30, and the lowest 20.

2903. Is the instruction given at Wakefield in the chapel, or in a schoolroom?

It is now given in a schoolroom; it has been given in the chapel.

2904. Are there partitions in the chapel?

No; there were.

2905. Nor in the schoolroom?

No; none in the schoolroom.

2906. Are you averse to partitions?

Very much indeed; I have seen so many evils from them that I am very much averse to them; I should explain to the Committee, that only about one-half of the instruction is given in the school, the other half being given in the cells.

2907. Does the chaplain preside over the instruction as well as the schoolmaster?

It is his special department.

2908. When the men are assembled in classes, does the chaplain instruct them?

Yes, he does.

2909. And

2909. And he goes from cell to cell to give instruction to them there?
No; he goes from cell to cell in his usual visitation as a chaplain, but not as an instructor, nor does he go, I believe, from cell to cell in any way connected with instruction.

2910. I presume that at Wakefield books are distributed to the prisoners?
Yes; a school-book is given by the chaplain (a book as to the education that the prisoner will pursue), and reading books are given out twice a week by the schoolmaster. They are taken from cell to cell, and changed in every cell; for instance, the books which a prisoner in No. 1 has this week, are given next week to the prisoner in No. 2, and so on throughout the prison.

2911. Is there any limitation with regard to the number of books which are issued at one time to each prisoner?
Practically there is; as a rule, a prisoner has two books of an amusing character; not religious books.

2912. Is every prisoner considered entitled to two books as soon as he comes into the gaol, or are they allowed to him after he has passed a certain period of imprisonment, and as a privilege?
They are allowed to him as a privilege, which he is not entitled to in the earlier stages.

2913. At what period of the confinement does the distribution of books to a prisoner commence?
When he has obtained the third class, and is beginning the fourth class. I wish to explain that the best class is No. 1, and No. 7 is the worst. The paper which is before your Lordship is not quite satisfactory, and will not be persevered in.

2914. Are the Committee to understand that books are not distributed to the prisoners until they reach the third class; that is to say, after one month's confinement?
After one month's confinement, and good conduct and industry, they are allowed books.

2915. And you have no further rule, which limits the distribution of those books?
None.

2916. Is a record kept of the prisoners to whom the books are distributed?
Yes.

2917. Does a prisoner frequently apply for a book?
Not to me. I do not think that there are any causes of complaint; I have never heard of any. I believe the schoolmasters are indulgent; and if the books were small, of course there would be more than two given; I am speaking of two good-sized octavo books.

2918. With regard to the question of the dietary, will you be good enough to continue the explanation which you commenced?
If you will allow me, I have one or two more corrections to make in my former evidence. I wish to present to the Committee in detail what I stated in abstract, and which was hardly correct, an account of the number and description of committals in England and Wales. The number of separate and other cells in the Wakefield prison, and other cells at the task-work in prison.

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The number of committals in England and Wales are as follows :—

TABLE (A.)

COMMITTALS in *England* and *Wales* (exclusive of Debtors), taken from Judicial Statistics.

Years.	First Offence.	RE-COMMITTALS.				Total Re-Committals.	Grand Total Committed.
		Once.	Twice.	Thrice.	Four times and upwards.		
1849 -	90,982	18,157	7,792	3,945	9,932	39,826	130,808
1850 -	80,064	16,463	7,319	4,003	9,639	37,424	117,488
1851 -	86,081	16,827	7,276	3,793	8,924	36,820	122,901
1852 -	81,041	15,427	6,596	3,620	8,953	34,596	115,637
1853 -	76,485	14,421	6,695	3,563	8,886	33,565	110,050
1854 -	82,344	15,342	6,735	3,589	9,684	35,350	117,694
1855 -	83,942	14,596	6,342	3,387	9,368	33,693	117,635
1856 -	84,689	15,824	6,696	3,718	10,366	36,604	121,293
1857 -	85,462	18,374	8,128	4,400	11,267	42,169	127,631
1858 -	81,257	18,268	7,909	4,345	11,058	41,580	122,837
Total -	832,347	163,699	71,488	38,363	98,077	371,627	1,203,974
Yearly Average	83,235	16,370	7,149	3,836	9,808	37,163	120,398
1859 -	73,313	16,346	7,201	3,991	10,890	38,428	111,741
1860 -	69,194	14,576	6,504	3,700	10,601	35,381	104,575
Total -	142,507	30,922	13,705	7,691	21,491	73,809	216,316
Yearly Average	71,253	15,461	6,852	3,846	10,746	36,905	108,158

With regard to the cells, there are in the new prison at Wakefield 408 cells for males, and 158 of the old large size; for females, there are in the new prison 70 cells, and of the old size 83; making a total of 719 full-sized cells certified for separate confinement. I have also a return of the number of mats made by men in the prison, and the number made by workmen in the Industrial Home, who have been prisoners, and it is as follows:

TABLE (B.)

NUMBER of MATS made by Men in PRISON, and Number made by Workmen in the Industrial Home who have been Prisoners.

DESCRIPTION OF MATS.	Hours of Labour.		
	8½ per Day.		11 per Day.
	Minimum.	Number the best Workmen can make in Prison.	Number made by Workmen Outside.
Common mats, in looms - - - - - -	30	40	80
Best, on boards - - - - - - - -	6	10	16
Hours being alike, the numbers would be { Looms - - -		62	
Hours being alike, the numbers would be { Boards - - -		13	

The

The scale of diet which I beg to lay before your Lordships is founded in part upon the one which you have before you, and where we have found defects I have tried to alter them; so that it is more adapted to the requirements of the prison than the scale that we have used ourselves. If your Lordships will allow me, I will hand in this scale. The old scale has defects; and although the Secretary of State has sanctioned it up to the present time, I believe that he will not sanction it again; so that it is not desirable to bring forward what will not be approved, but what possibly may be approved. In order to make it more easily understood, I have not subdivided it into various descriptions of food, but I have given the quantities in totals, so as to make it applicable. It may be changed in some respects, but the quantities are the same. There are seven diets. I propose that all prisoners committed for terms of imprisonment not exceeding 10 days should have the cereal food which is given with regard to that class, namely, bread and oatmeal porridge, 140 ounces per week; prisoners committed for terms exceeding 10 days, and not exceeding a month, 164 ounces of cereal food and 36 ounces of vegetable food, making 200 ounces. Those two classes are fixed; and the next begins the graduated scale. All other prisoners during the first month of their imprisonment should have 182 ounces of cereal food, 60 ounces of vegetable food, and 8 ounces of animal food, making 250 ounces. The fourth class, which is obtainable by good conduct and industry, after the completion of one month's imprisonment, should have 188 ounces of cereal food, 68 ounces of vegetable, and 10 ounces of animal food, making 266 ounces. The third class, obtainable by good conduct and industry, after the completion of four months' imprisonment, 200 ounces of cereal food, 76 ounces of vegetable food, and 14 ounces of animal food, making 290 ounces. The second class obtainable by good conduct and industry, after the completion of eight months' imprisonment, 200 ounces of cereal food, 104 ounces of vegetable food, and 16 ounces of animal food, being 320 ounces. To the first class I would give the same description of food, with the addition of seven pints of milk. I have described at the bottom of the scale that "cereal" consists of bread, oatmeal, two ounces to each pint of gruel, flour used in puddings or soup, and peas used in soup. The vegetable food consists chiefly of potatoes and onions, and the animal food of meat, cooked, given cold or in soup, calculated without bone, and after boiling. There is a material addition at the bottom of this diet, that if a prisoner misconducts himself he may be reproved or punished by solitary confinement on bread and water for three days, or reduced in class, at the discretion of the governor.

2919. If reduced in class, would he be obliged to work his way up again through the other classes, or would he be, on good conduct, re-transferred from the class to which he was degraded to the class from which he was sent down?

The usual rule which I have acted upon in 99 cases out of 100 is to degrade one class only upon an offence; that is to say, to the next below it. I have rarely ever degraded a prisoner beyond that.

2920. Lord *Wensleydale.*] Is that a permanent degradation?

No; it is only until by his good conduct a prisoner is restored again; he may be restored in the same lengths of time in which he originally arrived at that class.

2921. *Chairman.*] In addition to the present scale of diet are extra diets in use in the prison under the order of the surgeon?

Yes.

2922. Can you put in a return of the number of extra diets during every year?

I have not it with me to-day, but I will furnish it to the Committee; I remember looking it up for some other purpose, and it is about the same extra diet as it was in the old diet.

2923. Marquess of *Salisbury.*] Has not the surgeon unlimited power in that respect?

Yes, unlimited to any extent. There is a direction at the bottom of the scales, but he rarely adheres to it; he gives what he thinks proper.

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2924. *Chairman.*] Do the Government convicts who are in confinement at Wakefield enjoy the same dietary as the ordinary prisoners?
No; they enjoy a greatly increased dietary. I have not the quantities before me, but if the Committee will judge by the expense, it is just exactly double the expense of the West Riding dietary. I could furnish a copy of it.

2925. Does the dietary of a convict in Wakefield prison vary when he comes in, or does he at once receive the maximum?
He at once receives the maximum.

2926. Would that maximum considerably exceed the 320 oz. which you have described as the dietary of your fourth amended class?
Not considerably; but it does exceed it in the article of meat.

2927. Can you state to what account?
Twenty-eight ounces of cooked meat.

2928. Instead of 16 oz., or in addition to the 16 oz.?
Instead of the 16 oz.

2929. Are those 16 oz. of cooked meat, or uncooked meat?
They are all cooked meat. I think it is as well that your Lordships should understand the enormous difference between meat cooked and meat given uncooked. The 3 oz. of cooked meat for the West Riding prisoners is originally 9 oz., as bought in the market; the bone and waste in boiling, and the draughts in weighing out small quantities of 3 oz. each, make it exactly that amount by the year together, so that it is really three times as much in bought meat.

2930. Earl of *Dudley.*] According to what you have told the Committee, that would represent 48 oz. of food?
Yes, it does.

2931. Two-thirds, you say, go to waste in bone, in boiling, in weighing out, and in fat?
Yes.

2932. *Chairman.*] Are the convicts in Wakefield prison employed in the same work as the prisoners in ordinary confinement?
Yes, exactly.

2933. But yet I understand from your answer that they receive 28 oz. of meat, in lieu of 16 oz.?
Yes, they do.

2934. Are you aware whether the convicts prefer confinement in Wakefield prison to confinement in a Government prison?
The prisoners on the West Riding side prefer the Government side to the Wakefield side. I have heard it frequently said by prisoners, "Do let us be transferred over to the other side, and then we shall get more to eat."

2935. Does a convict dietary in Wakefield Prison include 3 oz. of cocoa, 3 oz. of molasses, and 2 oz. of milk, on certain occasions?
No, it is not that exactly; it is a pint of milk in the morning for breakfast. We have no cocoa.

2936. Do they have tea or coffee?
No.

2937. In these respects you vary from the dietary laid down in Pentonville?
Yes, we do vary in that respect from Pentonville.

2938. Earl of *Dudley.*] Who is answerable for the quantity of meat which comes into the gaol?
The steward and cook.

2939. Who has the right to all that is left?
There is nothing at all left. What I mentioned to your Lordships as being lost in boiling goes into the other meals of the prisoners, so that they get that in addition, which is not considered.

2940. In all cooking there is bone and fat, which is never used up again, is there not?

The fat is used. I consider that fat is a most important element in a prisoner's diet. I believe that no good diet can be made unless all the fat is used. I believe it would be detrimental to health to dispose of the fat, or get rid of it in any way whatever, except by giving it to the prisoners.

2941. Is there no sale of broken meat from the prison?

None, except of bones.

2942. Does the profit of that come to the establishment?

Yes, the profit of that is deducted from the expense; the bones are contracted for exactly the same as the diet is contracted for; there is a contract issued annually for bones, by the ton.

2943. Then there are no perquisites in the shape of broken meat taken out of the gaol?

None whatever.

2944. *Chairman.*] I observe that in your evidence of Thursday last, you stated, in answer to a noble Lord, that the treadwheel was entirely given up in Wakefield Prison, because it was so uncertain in punishment.

I do not think I said that it was given up because it was so uncertain in punishment: it fell into disuse on account of the great loss of weight as much as anything else; the prisoners who were subjected to it losing, in one week, five pounds in weight perhaps, and in the second week two pounds or three pounds, and in five weeks many of them would lose 10 pounds in weight.

2945. Earl of *Dudley.*] Was not it found that that was all recovered after the first fortnight.

No, it was not recovered. I did not intend to state expressly that the treadwheel was given up on account of its being an uncertain punishment, but it was given up, generally, on account of the loss of weight of the prisoners. It fell into disuse principally on that account.

2946. Was it not that the magistrates set their faces against it, and said that they would not permit it to be employed?

It was something of that sort, certainly.

2947. *Chairman.*] Can you state the grounds upon which the magistrates were opposed to the use of it?

I think the magistrates were opposed to it because they considered that it was not a good punishment. The prisoners are sent to prison for two objects, one to deter and another to reform: it might, in some respects, be more deterring than other punishments, but certainly it had no reformatory tendencies. Many men are sent to prison because they are idle; and if they are set to some such distasteful labour as the treadwheel or the crank, it was the opinion of the magistrates that they would detest work still more when they went out of prison, and that instead of labour being a pleasure to them, it would be a detestation.

2948. Consequently, it was given up rather because it did not effect the reformatory objects of a prison, in the opinion of the magistrates, than because it failed to punish?

I think that was so, as nearly as I can recollect the reason.

2949. Was it not in accordance with your former evidence that uncertainty was one of the elements which entered into it?

Yes, and it is in accordance with it now; I am of the same opinion now.

2950. Will you explain to the Committee in what that uncertainty of the treadwheel consists?

I think I did mention to the Committee that it consisted in the previous habits of the prisoners; that persons of sedentary employments were punished much more severely than others; that persons who are the least criminal (if I may use such a term), who come to prison for the first time, suffered far more than old offenders, such as travelling thieves, vagabonds, and tramps, who are accustomed to the treadwheel.

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2951. Is it your opinion that industrial employment of the coarsest nature, such as mat-making, is in itself a punishment?
Yes, I am sure it is.

2952. Of course it would be a greater punishment in proportion as the person was unaccustomed to the work?
That, no doubt, is so in some respects, but not to the same extent.

2953. Consequently, mat-making of the coarsest character would be a heavier punishment to a tramp who was constantly on foot in the country than it would be to a man whose employment had been, during the greater part of his life, to make mats?
The employments connected with making mats are various, and can be adapted in a great measure to the abilities and the previous habits of either agricultural men or men living in towns.

2954. Must it not, however, follow as a matter of necessity that the punishment must vary with the different classes of persons who are sentenced to punishment, and that it is absolutely impossible to obtain anything like precise equality?
It is absolutely impossible in any punishment whatever: whether it be the treadwheel, or separate confinement without any work at all, or work of any description, you cannot attain uniformity, even as a punishment, between one man and another man.

2955. Must not any punishment vary, and vary to an enormous degree, in proportion to the height, to the age, to the physical strength, and even to the mental capability and moral endurance of the prisoners?
Of course, and the treadwheel especially would vary with regard to a thin tall man and a very stout man; and there are various descriptions of employment in the mat trade, which none but very strong men could work at.

2956. Consequently, the same objections of inequality and uncertainty which apply to the treadwheel must, of necessity, apply to mat-making, or to any other employment on which prisoners are engaged?
No; there may be in mat-making a diversity of punishment, but not to the same extent; because in mat-making the employments are so various that they can be apportioned to the men: the treadwheel is uniform, and cannot be so apportioned.

2957. Who apportions the work?
I do.

2958. How many prisoners have you under your charge?
One thousand four hundred.

2959. Are the Committee to understand that you succeed in apportioning very justly, and very fairly to the physical strength and to the mental power of each man, the amount of mat-making which is necessary in order to constitute hard labour?
I think, taking the words in their widest sense, I do. Of course there are exceptions to that rule, but I do believe I do it, in conjunction with the officers under me, I having the general supervision of the concern.

2960. Do you believe that the apportionment which a single individual can make amongst 1,400 men who are passing annually through a gaol, approaches more nearly to correctness than the apportionment of labour which you would have on the treadwheel?
Certainly it does. For instance, all the persons who come into confinement to-day, I place out to the several employments throughout the prison on the morrow; and in the event of any of those men not being adapted to that employment, or failing in any way to succeed, either from want of capacity or from want of strength, they are brought before me again. In fact, they are brought before me twice every week; I see the work that every man does in the prison twice every week; it is brought before my eyes, and I have to change it according to circumstances.

2961. I understand at the same time that there is no task-work in Wakefield Prison?

Yes,

Yes, there is; I have laid before your Lordships a correct copy of the task-work. It varies in some minor matters from what I stated before. I have given in a statement of the number of mats made by men in prison, and the number made by workmen in the Industrial Home who have been prisoners, the description of mats, and the hours of labour. Of common mats made in looms, the minimum quantity per week is 30; of the best mats made on boards, six. The number of common mats that the best workmen can make in prison is 40; the number made by workmen out of doors is 80. With regard to the best mats on boards, six is the minimum number; the best workmen in prison can make 10, and the number made by workmen out of doors is 16—the hours of labour being 8½ in prison, and 11 out of doors. If the hours of labour were alike, the best workmen in prison, instead of making 40, would at the same rate of time make 62, and instead of making 10 of the stronger sort, they would make 13. I have obtained those details from the actual figures.

2962. Then the Committee understand that you do not exact as task-work from the prisoners the same amount of mat-making which a free labourer would spontaneously perform for himself?

No; we should be glad to exact it, but we cannot get it. No prison labour, no slave labour, or anything else of that kind, will come up to what a free labourer out of doors will do who is paid by the piece.

2963. Is it not possible, on the other hand, to obtain a more regular and fixed proportion of labour, where you have such a machine as the treadwheel or the crank, where a certain number of revolutions, which may be graduated to the strength of every individual, can be required?

You could not graduate the treadwheel.

2964. You could apportion it?

But you must work at exactly the same rate on the treadwheel: it would be uniform of course.

2965. Would it not be possible to proportion the labour of the treadwheel by hours as well as by mechanical springs or other contrivances?

Yes, it could be done certainly.

2966. Would you not in that case secure much greater certainty of punishment than you possibly could by mat making?

No, I think not; nor under any circumstances do I think you would.

2967. Have you not stated already in evidence, that on increasing the food for the prisoners, you have found that they worked with much greater will, and produced a great many more mats?

Yes.

2968. Does not that show that they were working very much below their strength?

It shows that they were working very much below their ability, but not their strength. The fact of their doing more work necessitated their having more food; the diet that is given in the scale before your Lordships, is given on the lowest scale, not on the highest. If men do more work, they exercise their physical powers more, and they require more food. Those men had more food, and they kept up to their standard of weight; but if they had done that work which I explained to your Lordships without having more to eat, they would have fallen off in weight materially.

2969. Are the Committee to understand that that increase in the number of mats made was simply attributable to the increase of diet, and not to the inducement which was held out to the men to work?

The increase of diet was the inducement.

2970. Was it on the strength of that food that they made the mats, or was it from the moral bribe which you held out?

It was from the moral bribe; but the food was required in consequence of their strength decreasing from their greater exertions.

2971. Is there a fixed dietary in the Industrial Home which is attached to the prison?

No, it is not attached to the prison at all; it is exactly the same as any

common factory, the only difference being, that the men are not allowed to leave the establishment till 9 o'clock at night, and instruction is given to them in the evening.

2972. Marquess of *Salisbury.*] May they have what food they like?
Yes, they may have any food they like.

2973. Have they more food there than they got in prison?
Yes, they have.

2974. Have you any means of estimating to what extent it is greater in amount?
No, I have not, except so far as this, that when men first go there and cannot earn enough to keep themselves, as many cannot, say, for three weeks, perhaps, they have food given them at about the same ratio as the food of the prison; and I find that they are very anxious, very soon indeed, to find their own food: the moment they can earn enough to pay their own expenses they find their own food; they remain on the prison ratio no longer than they can help.

2975. Earl *Cathcart.*] Is the use of beer or tobacco, or both, allowed in the Industrial Home?
Yes, a man can take beer there, but he does not smoke inside the place, or drink; it is just the same as inside a factory.

2976. *Chairman.*] Do you object to the use of the crank in the same way as you do to the treadwheel?
Yes; I object to it on account of what I consider the bad effect which all forced labour of that description has.

2977. Whether the crank be applied to productive purposes or to unproductive?
Yes. I am anxious that men should, if possible, by their time in prison not detest labour—that when they go out of doors it should come to them naturally; and I feel that I could not in any way sanction a labour that would make it detestable to them.

2978. Do you think that the use of the treadwheel or the crank is degrading to a man?
I should think so. I know nothing of the crank labour; we never had a machine, but I judge that they would feel it so.

2979. Do you believe that they would feel the treadwheel with which you were cognisant as an irritating punishment?
Yes, I do.

2980. Have the prisoners ever expressed that feeling?
There is an impression on my mind that such has been the case, but I could not enter into any details upon the point; it is nearly 20 years ago since it was given up.

2981. Would you object to the use of the crank if it was applied to the pumping of water?
If I could in any way find out that such a labour for very short sentences would be very deterring, it would really take away a great part of my objection, if I could truly satisfy myself that such was the case for short periods.

2982. Duke of *Richmond.*] You stated, did you not, that one objection which you had to the use of the treadwheel was, that it reduced the prisoners so much in weight?
Yes.

2983. Then, in another answer, you stated, did you not, that when they made an excessive quantity of mats, you were obliged to increase their food?
Yes.

2984. Would not the same course be practicable with regard to the treadwheel as you have pursued with regard to the mats—namely, that if you found the prisoners reduced too much by work on the treadwheel, you would increase their

their food in the same manner as you do when they increase the number of mats which they make?

Yes, that would be necessarily so; but the result would not be the same. In the one case, it does not do away with their detestation of forced labour of that sort; but in the other case it encourages habits of industry, and makes them feel the value of natural labour in contradistinction to forced labour.

2985. Would not that have reference merely to the reformatory part of punishment, and not to the deterring part?

Yes, it would, certainly.

2986. You have divided the question of punishment into two classes, one deterring and the other reformatory; would not the treadwheel have a more deterring effect upon prisoners than mat-making?

I have not found it so.

2987. Earl of *Dudley.*] How many years is it since you have tried the experiment?

It must be approaching 20 years.

2988. Duke of *Richmond.*] You object to the treadwheel because you say it makes prisoners, when they go out of prison, detest labour?

Yes.

2989. Will you explain to the Committee in what way it makes them detest labour? Supposing a man is sentenced to three weeks' hard labour on the treadwheel, how would that make him detest labour when he went out of prison, and what labour would it make him detest?

The observations which I have made to your Lordships referred in a great measure to long sentences, in which habits are formed. The habit of industry, the habit of cleanliness, the habit of early rising, and all good habits of that sort, when formed, very frequently continue; and the habit of industry, when formed, makes labour pleasant instead of irksome to a man after he goes out of prison. I conceive that the treadwheel labour will make any labour irksome to him; he would fly from the one extreme immediately to the other extreme of idleness.

2990. But there is, surely, in the treadwheel labour nothing that is contrary either to habits of cleanliness or habits of early rising?

No; I am speaking generally of habits being formed.

2991. You have not quite answered my question; what sort of labour and in what manner would the treadwheel have the effect of making a prisoner detest, in the case of long-sentence prisoners, for instance?

Any monotonous forced labour of that kind would have that tendency.

2992. In what way would it make a man detest labour out of doors, and what labour would it make him detest?

I can only say that my impression is that it would have that tendency without exactly explaining in what manner it would act.

2993. Earl of *Ducie.*] Do not you think it might so happen that productive labour, on his coming out of prison, might be positively a relief and be palatable to him after a course of treadwheel unproductive labour?

I think not.

2994. Duke of *Richmond.*] Take the case of an agricultural labourer who had been at the plough or working on a farm, and had committed an offence for which he was sentenced to six months' hard labour, and worked out his sentence on the treadwheel: do you imagine that at the expiration of that six months, when that man was discharged and he would naturally go to seek his former employment, the labour of an agricultural labourer would become irksome to him because he had been six months upon the treadwheel?

The class of persons that you would have more especially to deal with in prisons would be old offenders, rogues, vagabonds, and tramps; they are a class of persons that you would be more anxious to affect than agricultural labourers; and with regard to that class of persons, with whom you would certainly want to deal more stringently, I have no doubt that it would have a bad effect, for I cannot help feeling that they would immediately fly to the other extreme.

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2995. Am I to gather from you, that your answer as to the inefficiency of the treadwheel would apply more to old offenders and rogues and vagabonds than to other descriptions of persons?

Yes, it would.

2996. And that you would prefer giving to old offenders, and rogues and vagabonds, the occupation of mat-making to giving them the treadwheel?

Yes, I prefer it for every one; not only for old offenders, but for all prisoners.

2997. But when I asked you whether, in the case of an agricultural labourer who had been sentenced to six months' hard labour, and had served it on the treadwheel, you thought that the fact of his having been on the treadwheel would make him detest the labour to which he returned, I understood you to say that your answer applied more to old offenders, and rogues and vagabonds, than to prisoners from the class of agricultural labourers?

I should imagine that, with regard to old offenders, they would detest labour, and I do believe it would be the case with regard to agricultural labourers also; because I cannot help feeling that the character of the labour that is given to them would not be favourable to their returning to any useful employment.

2998. With regard to those old offenders, rogues and vagabonds, it would scarcely be a return, because their former employment could scarcely be called useful?

No; but I was dividing my observation into two parts.

2999. You told us that you object to the treadwheel also, on account of its inequality, as it affected different men in different ways: how do you find out the capacity of the prisoners for making mats when they come into the prison? Say that you have a dozen men sentenced, and they come under your care on any one day, and some of them sentenced for short sentences (some three weeks, some six weeks, and some two months), how do you find out what their capacity is?

Some descriptions of mats require little more than manual labour, some require some amount of ingenuity of mind, and the men are apportioned to the sort of work that would be required.

3000. But how do you apportion them; how do you find out their capacity?

By the prisoner's appearance, in the first place, and afterwards by examination.

3001. One class of mats, you say, requires little more than manual labour; what description of labour does it require?

The labour of the fingers.

3002. Then some men might be much more apt with their fingers than others, might they not?

Certainly; I have stated that there is a minimum of six required, but some prisoners make 10.

3003. One man may be very apt with his fingers, and another man may be exceedingly clumsy: how soon do you find out which is the man who is clumsy and which is the man who is apt; because the one mat which, you tell us, requires very little manual labour, would, to the man who is very clever with his fingers, probably be no trouble, whereas to a man who had been driving a plough all his life, and is very clumsy with his fingers, it might be very great labour?

The daily observation, by myself and others, upon such great numbers soon teaches us to apportion the work to the proper parties.

3004. Have you ever any prisoners come in who deceive you?

Yes.

3005. Is it easy to detect deception in that particular branch of mat-making?

I think it is; a man is soon detected.

3006. Earl of *Dudley.*] You divided the punishment in gaol, just now, into two classes, deterrent and reformatory: do you exclude the punishing element altogether?

No; the deterrent element is punishment.

3007. You

3007. You do not call punishment deterrent: the deterrent effect has regard to the next crime, and not to the one which has been committed?
I do mean "deterrent" by "punishment."

3008. I ask you this very distinctly, because at the present day there is a very great distinction made between the two, and, in fact, a very large portion of society would do away with punishment altogether: do you mean that the deterrent effect would be produced upon the prisoner himself, or upon others who are likely to fall into the same crime?
I merely refer to the prisoner himself, and not to the effect of the punishment upon persons who have never experienced it.

3009. You admit the necessity for punishing a man for what he has done against society, with a hope that he will be deterred from doing it for the future?
Yes.

3010. Do you consider that such punishment as you give in your gaol is deterring?
I have before me, which I am going to put before your Lordships, a table, showing the number of criminals to the population in all the English counties. The discipline at Wakefield is pretty much the same as has been pursued for a very long time; the prison at Wakefield takes in all the prisoners that are committed from the West Riding, with the exception of the borough of Leeds, where they have a separate jurisdiction and prison. I cannot help thinking that the position in which the West Riding stands, with regard to criminality, is a favourable one, and so favourable that some part of it must be due to the prison discipline. There are, as your Lordships know, 40 counties in England. For the sake of illustrating this, I have divided Yorkshire into three parts, as they are quite separate and distinct. The counties in which there is the smallest proportion of criminals to the population, are Cumberland, Cornwall, Huntingdon, Suffolk, Bedford, Wilts, and Rutland. Then comes the eighth, the West Riding of the county of Yorkshire. The ratio of criminals in the West Riding to the population, in 1861, is one prisoner to every 301 of the inhabitants; the proportion in all England is one prisoner to every 169. I will hand in this table, which may, perhaps, be interesting to your Lordships on some other inquiry.

The same is delivered in, and is as follows:—

TABLE (C.)

Showing the Number of CRIMINALS to the POPULATION in all the English Counties.

COUNTY.	Population. *	Criminals, exclusive of Debtors. †	Ratio of Criminals to Population.
1. Cumberland	205,276	468	1 to 438·6
2. Cornwall	369,390	890	415·
3. Huntingdon	64,250	175	367·1
4. Suffolk	337,070	956	352·5
5. Bedford	135,287	408	331·5
6. Wilts	249,311	777	320·8
7. Rutland	21,861	69	316·8
8. West Riding, excluding the borough of Leeds ‡	1,300,631	4,321	301·
9. Cambridge	176,016	615	286·2
10. North Riding	245,154	862	284·4
11. Buckingham	167,993	616	272·7
12. Somerset	444,873	1,738	255·9
13. Leicester	237,412	935	253·9
14. Derby	339,327	1,382	245·5

* Taken from Population Return for 1861. † Taken from Judicial Statistics for 1861.

‡ The borough of Leeds has a separate jurisdiction, and a prison, to which offenders are committed.

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COUNTY.	Population. *	Criminals, exclusive of Debtors. †	Proportion of Criminals to Population.
15. Lincoln	412,246	1,737	1 to 237·3
16. Westmoreland	60,817	259	234·8
17. Sussex	363,735	1,575	230·9
18. Dorset	188,789	851	221·8
19. Northampton	227,704	1,027	221·7
20. Durham	508,666	2,324	218·8
21. Essex	404,851	1,855	218·2
22. Worcester	307,397	1,461	210·4
23. Oxford	170,944	816	209·4
24. Hereford	173,280	828	209·2
25. Devon	584,373	2,812	207·8
26. Berks	176,256	852	206·8
27. Norfolk	434,798	2,132	203·9
28. Salop	240,959	1,186	203·1
29. Monmouth	174,633	865	201·8
30. Warwick	561,855	2,797	200·8
31. Chester	505,428	2,521	200·4
32. Hereford	123,712	641	193·
33. Nottingham	293,867	1,613	182·1
34. Stafford	746,943	4,138	180·5
35. Gloucester	485,770	2,790	174·1
36. Kent	733,887	4,338	169·1
37. Northumberland	343,025	2,226	154·
38. East Riding	240,227	1,661	144·6
39. Southampton	481,815	3,393	142·
40. Lancaster	2,429,440	18,952	128·2
41. Surrey	831,093	6,744	123·2
42. Middlesex	2,206,485	22,638	97·4
England	18,954,444	111,966	169·2
England and Wales	20,066,224	115,647	173·5

The Population and Criminals of Yorkshire are shown under the three Ridings.

* Taken from Population Return for 1861. † Taken from Judicial Statistics for 1861.

3011. Earl of *Ducie.*] What large manufacturing towns have you in the West Riding?

Sheffield, Bradford, Halifax, Huddersfield, Dewsbury, and Wakefield.

3012. So that a large amount of your population is congregated in masses?

Yes, they are congregated in masses; and, generally speaking, those that are in large towns are of the most criminal class.

3013. *Chairman.*] You have stated, have you not, that the prisoners enjoy from an hour to an hour and a half of exercise each day?

The average is an hour and a half.

3014. That exercise, of course, is given inasmuch as the hard labour in Wakefield consists of sedentary occupation?

Yes.

3015. Assuming that the hard labour was on the treadwheel or on the crank, I presume that you would not feel it incumbent upon you to order that exercise?

No, we did not have exercise when we had the treadwheel for that class of prisoners; there was never any great number of that class; there were only 40 of such prisoners in prison at any time.

3016. What is the nature of the exercise which you allow?

Walking in a large open space of about an acre, 56 prisoners walking in three circles, and three officers walking the reverse way.

3017. Do the prisoners wear masks?

No.

3018. Did they ever do so?

Yes.

3019. On

3019. On what ground did you abolish them?
In the West Riding no prisoners ever wore masks but the convicts.

3020. Are you of opinion that the prisoners recognise each other during this exercise?
Yes, and they did in masks.

3021. Are you of opinion that, inasmuch as they recognise each other during exercise, any communication passes between prisoner and prisoner?
There is communication, because we find it out; but I believe that there is no communication to any hurtful extent but what is found out. I presume it is possible for communication to take place, because we may not find it all out.

3022. Do you believe that one half of the cases of communication which go on between prisoner and prisoner are reported to you?
Yes; I should think 8 out of 10.

3023. Is the space in which the men are exercised a yard, or is it a field, or shrubbery?
It is a large open space with grass, except in the place where the prisoners walk, which is of flags.

3024. Can you state what is the time and what are the circumstances under which the greatest amount of communication, so far as you are aware of, goes on; is it at the time of exercise?
I think it is during the exercise.

3025. Are you aware of communications passing in chapel?
Yes, sometimes.

3026. Are you aware of communications passing in school?
Yes, sometimes.

3027. Do you believe that partitions would have the effect of preventing that?
I believe just the contrary. We took them down on that very ground, because the communication was, at that time, twenty times as much as it is now.

3028. On what do you ground that belief?
From statements made to us by prisoners, and from the defective observation it was impossible to have a keen inspection of the prisoners at the time; sitting down or standing up makes a great difference in their height, and prisoners have modes of communication through crevices, under the doors or other ways, and knocking, and little communications of various kinds, that it was impossible to detect them in those cases. I think there was no greater mistake ever made than to have separate partitions in the chapel.

3029. Are you aware whether the prisoners prefer the absence of partitions to their existence?
Yes, I know they prefer it; because, in the partitions at Wakefield, we had frequently to take them out of the chapel fainting, on account of the imperfect ventilation that must necessarily arise in those close places.

3030. Do you know whether the prisoners like the exercise in the open air?
Yes, very much.

3031. Would it be the withdrawal of a great privilege if they were deprived of it?
Very great punishment indeed. That is one of the subjects I have to bring before your Lordships in the way of discipline.

3032. Are the Committee to understand generally, from all that you have stated to-day, that you disapprove of that which some witnesses have called the penal and irksome element in prison discipline?
I do not disapprove of the irksome element at all; but the irksome element does not necessarily include the treadwheel or crank labour. I can mention an irksome element which has a much greater effect I think than that.

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3033. Would you state to the Committee that which you consider to be the hardest, the most stringent, and most irksome labour which is inflicted in Wakefield, distinguishing what is hardest and what is most irksome?
The hardest is making mats; the most irksome labour would be teasing cocoa fibre, which is commonly called oakum picking; we have no picking oakum, but it answers to that in common parlance.

3034. In the case of short sentences, which do you apply?
Picking oakum.

3035. For how many hours continuously are they employed?
Those men are employed longer hours than the generality of them, for they do not go to school, and they do not go to exercise, in the case of many of those who are sentenced for short periods.

3036. Practically, for how many hours continuously does a short-sentenced prisoner work at picking oakum?
Five hours continuously.

3037. Is that the total amount during the course of the day.
No, it is double that; they work 10 hours.

3038. And what are the number of pounds which are the result of those 10 hours?
As we have not really picking oakum, the employment is not so uniform and cannot be so easily measured; sometimes it amounts to 20 lbs., and sometimes to not above 3 lbs.; it is opening a very hard twisted strand, and it is not uniform in the strand. If the strand is very hard twisted indeed, it could not be more than 3 lbs.; if it is loosely twisted it might be 20 lbs.

3039. Practically, you have no piecework in the case of picking oakum, which you exact from every prisoner, without allowing him to make any deduction?
Supposing a man does less than 6 lbs., he is reported to me, and then I judge by the nature of his employment whether, in my opinion, he could do more or less.

3040. Is that rule explained to the prisoners?
Yes, it is.

3041. Do you find that many do more than six pounds?
Yes; many do 20; but then it is a rather lighter kind, perhaps.

3042. Do you find that, in fact, the prisoners do more than they are required to do?
Yes, some do; I should think that 10 per cent., perhaps, do more than they are required to do.

3043. Are the Committee to understand that when a short-sentenced prisoner is placed in his cell, and is required to pick oakum, it is explained to him that 6 lbs. is the minimum amount which he is required to pick, and that he sometimes produces as many as 20 lbs.?
Yes; but it ought to be explained that the 20 lbs. is sometimes much easier to do than the 6 lbs. required; what we have to do is not so uniform as oakum.

3044. Is 6 lbs., and 6 lbs. alone, the amount which is exacted from every one?
No, it is not; I was obliged to give the Committee some idea about it, but six is not the only amount; it depends entirely upon the nature of the work.

3045. Duke of *Richmond.*] Short-sentenced prisoners are sentenced, are they not, to what is commonly called oakum picking.
Yes, as a rule, but not all.

3046. When a man commences upon that hard labour, as it is called, his task is given him in the morning, I conclude?
Yes, it is given him once a-day.

3047. In the morning?
It is given him at four o'clock in the afternoon.

3048. That

3048. That is to say, a prisoner delivered into your charge at five o'clock in the afternoon would have his oakum delivered to him at four o'clock the next afternoon?

A prisoner for the first 24 hours is not sent into the regular prison; he is confined in a separate part; he comes into the prison at two o'clock every day, and at four o'clock he would have his work given to him.

3049. In fact, his sentence commences at four o'clock in the afternoon; he has an amount of oakum which he is to work at from four o'clock one afternoon to four o'clock the next afternoon?

Exactly; and according to the difficulty or otherwise of making it, it is weighed out to him; every man's work is weighed once a-day.

3050. Is he told, when it is weighed out to him, how much he must return?

No; he has to return the whole of it.

3051. When it is weighed out to him, you may be giving him to do a great deal more than that which you imagine you are giving him if it works up much more easily?

It is weighed out according to the requirement in labour; the manager judges whether it is easy or difficult.

3052. When the manager gives it him, does he know whether that man will be able to produce 6 lbs. or 20 lbs.?

Yes, he knows whether 6 lbs. ought to be his task, or 20 lbs., or less than 6 lbs. sometimes.

3053. Does he judge from the state of the strand when he gives it to him?

Yes, he does.

3054. It would be equally difficult to produce 6 lbs. or 20 lbs., as the strand is difficult?

Yes, that is what I mean.

3055. That would depend, of course, as in mat-making, upon the aptitude of the man, would it not?

Yes, it would; but not exactly to the same extent.

3056. Lord *Wensleydale.*] Are the Committee to understand from that that you make no difference between those who are convicted and sentenced to hard labour and those who are not?

I have never used such a term as would convey that; we do make a difference. The difference with regard to those persons who are not sentenced to hard labour would be, that they are allowed to work at employments that cannot be measured, and that they are sent out to work more in association than others.

3057. They are all made to labour?

Yes; every man is made to labour, except he is in prison waiting for trial.

3058. Earl of *Ducie.*] You exercise a considerable amount of discretion, do you not, in apportioning the amount of labour?

Yes; it is absolutely necessary to do so in every employment of that sort.

3059. Therefore the proper conduct of the prison depends entirely upon the activity and discretion of the manager and governor?

Yes, it does.

3060. You think that no set of rules would supply the place of an active governor?

I fear not. I have seen cases where rules are made stringent, and there has always been some great difficulty about them. Take, for instance, the case of a rule of this sort. A prisoner can have his food weighed; the effect of that is, that numbers of them have their food weighed three times a day for a year together. Many of them would say, "I will have my food weighed," without looking at it or anything else. There is great difficulty in laying down special rules.

3061. Earl of *Romney.*] Is it not very difficult for a court to pass a sentence,

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when it has not the least knowledge or guess what the effect of it will be?

The effect, as far as Wakefield is concerned, is that all men are sentenced to labour, hard or otherwise, according to the sentence.

3062. *Chairman.*] Are not the terms of the sentence always that if such and such a prisoner is sentenced to labour, he should be sentenced to hard labour, if labour is included in the sentence at all?

Yes; and as a rule between 80 and 90 men out of every 100 are sentenced to hard labour.

3063. But in your opinion the hardest labour which the prison at Wakefield imposes, is mat making?

Yes.

3064. You are conversant, of course, more or less with the reports that have been issued at different times on the subject of prison discipline?

Yes.

3065. In 1835, the Committee of the House of Lords reported on the question of prison discipline, and they imply throughout their report that hard labour did form a part of prison discipline?

Yes.

3066. Are you of opinion that when they used the term "hard labour," they mainly used it with regard to the treadwheel?

I should almost gather that they did, but I cannot say what their Lordships may mean. I should perhaps think it possible that it might be so.

3067. You are acquainted also, no doubt, with the Committee of the House of Lords of 1847?

Yes.

3068. And hard labour there again forms a part of their recommendation?

It does.

3069. Are you of opinion that in the minds of that Committee hard labour meant to imply work on the treadwheel?

I believe that it did in that case, or the crank.

3070. You are aware, also, are you not, of the Committee of the House of Commons in 1850?

Yes.

3071. And that hard labour formed a very prominent part of the recommendation of that Committee?

Yes.

3072. Are you of opinion that the hard labour implied the treadwheel and the crank?

I think it specially did in that case.

3073. And in the Gaol Act of the 4th of George the Fourth, chap. 64, where it is stated, "that due provision shall be made in every prison for the enforcement of hard labour in the case of such prisoners as may be sentenced thereto;" do you believe that it was in the mind of the Legislature at that time that hard labour implied the treadwheel?

I should think it was not at that time in the minds of the Legislature. If I remember rightly, the words of the clause are, "That due provision shall be made in every prison for the enforcement of hard labour in the case of such prisoners as may be sentenced thereto."

3074. Lord *Wensleydale.*] That would show that some instrument should be prepared?

I do not think so. Perhaps your Lordships will allow me to read the whole of it through: "That due provision shall be made in every prison for the enforcement of hard labour in the cases of such prisoners as may be sentenced thereto, and for the employment of other prisoners. The means of hard labour shall be provided, and the materials requisite for the employment of prisoners shall

shall be purchased, under such regulations as may be made for that purpose by the justices."

3075. Earl of *Dudley.*] That does not bear out the construction that you were trying to put upon it: it says that means of hard labour shall be found in each prison, and that materials for industrial occupation shall be purchased for the employment of prisoners?

There is a subsequent Act which refers to descriptions of hard labour other than the treadwheel.

3076. *Chairman.*] Do you not believe, from the words of that Act of the 4th of George the Fourth, by hard labour, the labour of the treadwheel was intended?

I do not indeed, for I think that the treadwheel was very little known in that day when that Act was passed.

3077. Earl of *Dudley.*] Has not the use of the treadwheel, and perhaps of the crank also, been a subject of frequent discussion by the magistrates of the West Riding; has not it been a moot question in that part of the county?

The crank was never brought before the visiting justices but once. I was sent by order of our visiting justices to Leicester, and when I came back I made a report upon the subject of the crank. I know that it was decidedly stated that it should not be adopted in Wakefield.

3078. Lord *Wensleydale.*] You have stated, have you not, that there never was any order upon that subject.

No.

3079. Earl of *Dudley.*] Therefore the visiting magistrates have taken upon themselves, in the exercise of their discretion, to put on one side the sentence of hard labour, as given by courts of law?

Yes, if your Lordship will consider the hard labour to mean the treadwheel only.

3080. I think you have stated in your evidence that mat making could not be called hard labour.

I said that it was hard labour in the way that they do it.

3081. You have shown us that you can get a certain proportion of mats made on a small diet, and a certain greater proportion on an increased diet, which you call a moral bribe; and that when those same men are out of prison working for themselves, employing 2½ hours more per day, they can make a very largely increased number if they choose?

Yes.

3082. Therefore it is fair to say from that that you cannot get hard labour out of them if they are not disposed to give it, and you have said that some men will do more work than others?

Yes.

3083. But that you cannot compel hard labour where a man will not give it?

We cannot compel a man to do so much as he does do out of doors.

3084. But you cannot compel a man to give you what honestly would be called a hard day's labour, or hard labour, such as is meant when a sentence is passed upon the prisoner?

With regard to the West Riding, the magistrates all know that a sentence passed upon a prisoner of hard labour means, that he shall work at an employment of that kind in prison.

3085. Is it not in the power of the governor of the gaol to reduce the standard of hard labour as low as he likes?

I believe that is in the discretion of the governor of the prison.

3086. Could you answer that question distinctly?

I could not do that.

3087. Cannot the governor of a gaol lower the standard of the industrial occupation as low as he likes?

Not without authority from the justices.

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3088. We are supposing that the justices are agreed with him; can he do so, or can he not?
Yes, I believe he can, supposing the justices are agreed with him.

3089. Cannot the surgeon raise the diet of the prisoner as high as he likes?
Yes.

3090. *Chairman.*] Reverting to my previous question, I refer you now to the 2d and 3rd of the Queen, chapter 56; under the 5th clause you will find the different classes into which prisoners are to be divided, and the third class contains prisoners convicted and sentenced to hard labour. Now, I ask you whether in your opinion it was in the mind of the Legislature when those words were used, that hard labour implied the treadwheel?
I should not think that it was in the minds of the Legislature at that time.

3091. Lord *Wensleydale.*] Do you not think they intended it to imply something analogous to the treadwheel?
Of course.

3092. *Chairman.*] You believe that the term "hard labour" is applicable to any sort of employment?
Yes, I do.

3093. On what ground was it, then, that in the Act of the 4th of George the Fourth, "hard labour" and "employment" were specified as two descriptions of punishment upon the prisoners?
I think that there are other objects besides work, with regard to which a man is sentenced to hard labour or not to hard labour; there is a difference in the prison treatment, and there are other things that the sentence of hard labour refers to besides actual employment.

3094. You have stated to the Committee that in your belief the Committee of 1835, the Committee of 1847, and the Committee of 1850, all implied the use of the treadwheel when they employed the words "hard labour," but that the Act of the 2d and 3rd of the Queen, did not necessarily imply the treadwheel?
I stated that I did not know that the Legislature meant those words to imply the treadwheel or the crank, although I think that the Committee might have done so. The Act of Parliament authorising separate confinement is a later Act than that, and certainly it was never intended that all the cells should be fitted up with cranks.

3095. Are you aware of the course that is pursued generally in the gaol at Reading?
Yes.

3096. Are you aware that their self-instruction, as it is termed, is made the basis of the system?
Yes.

3097. And that hard labour is excluded?
Yes.

3098. Are you of opinion that a system of which self-instruction forms the basis, is really carrying out the idea and intentions of the Legislature, so far as they can be gathered from the Committees, and from the Acts of Parliament?
I do not believe that at Reading they carry out the intention of the Legislature, or of the Act of Parliament, because I think that the Act has decided that the prisoners shall have employment in separate cells, if I remember rightly.

3099. But do you consider the work that you give in the prison at Wakefield, is such work as was intended by the Act of Parliament?
I do not think that it is contrary to it.

3100. Earl of *Dudley.*] Did I not correctly understand you to state that the Wakefield justices have used their own discretion in doing anything that they thought they could as to hard labour within the meaning of the Act?
Yes, I think they have done so.

3101. Lord *Wensleydale.*] Has that been done silently without any positive order or agreement amongst them all?
It was done on agreement amongst the whole body of visiting magistrates.

3102. Was it done without any regular meeting for the purpose of considering whether it was or was not hard labour?
Yes, it was done without a regular meeting.

3103. Earl of *Dudley.*] Do you think that that is a discretion which the magistrates have?
Yes, I think it is.

3104. *Chairman.*] I understand from your former evidence that you disapprove of corporal punishment, except for one particular offence, which is striking an officer?
Yes; I think that I ought to qualify it a little in this way. I stated that the magistrates were all opposed to flogging, except for that offence. I should have said that the majority of them were opposed to it. I think I am not justified in using as broad a term as the whole of them.

3105. I understand consequently that corporal punishment has been practically in disuse at Wakefield for several years past?
Yes, it has.

3106. Can you state on what ground it was disused, whether it was considered to be ineffective, or whether it was considered to be degrading to the prisoners, or whether it was considered to be irritating to them?
I believe that it would originally commence very possibly from an examination into the statistics of the return of prisoners who were flogged; the return of prisoners to prison who were flogged, amounted to 80 per cent., and the magistrates therefore came to the conclusion that it was a bad punishment, as a punishment; that it had not a deterring effect with regard to the punishment inflicted by the judges, and therefore that it had not equally a deterring effect with regard to the punishment inflicted by themselves.

3107. Can you state from your own experience, whether corporal punishment inflicted for the violation of prison rules has ever been ineffective?
I have only known one case, the West Riding part, in 20 years, so that I really have had very little experience with regard to corporal punishments in prisons.

3108. Has only one case of flogging occurred in 20 years?
I only remember one case.

3109. During that time, I presume, you had more cases than one of violence to prison officers?
Yes; a man has been indicted at the assizes.

3110. Has it ever happened that an officer has been struck, or been assaulted by a prisoner, and that it has been passed over without any punishment being inflicted?
No, never.

3111. What has been the practice pursued?
The practice has been to report such aggravated cases to the magistrates, and their punishment is one which I will read to your Lordships. It is a mode of punishment which the magistrates have adopted; instead of a continuous punishment for 14 days and one month, it is a varied one, and has been found very effective for the prisoners. This refers to the 14 days' punishment by order of the justices; it is on the principle that if a man is 14 days on a very low diet, day after day, he gets indifferent to it at the end of the term, and that he does not feel the punishment so acutely as under this form, which is less detrimental to the man's health, and is a more severe punishment; three days dark cell on bread and water; one day in his own cell, on the regular diet; three days in his own cell on bread and water; one day in his own cell regular diet; three days dark cell on bread and water; one day in his own cell on regular diet, and two days in his own cell on bread and water: making the 14 days.

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3112. Are the Committee to understand that this punishment of 14 days, inflicted by order of the magistrates, is a punishment inflicted for a breach of the prison rules?
Yes.

3113. Has it ever occurred, within your experience, that that punishment has had to be repeated upon the same offender?
I think it has not.

3114. Has it been perfectly effective?
I think it has.

3115. If it has been effective, of course it has never been repeated?
No; it has been so far effective that the prisoner has not committed a heavy offence again to be reported to the justices; he may have committed a minor offence again.

3116. *Lord Steward.*] Has it acted as an example to others, and so prevented the commission of offences?
No; but it would not be known to the others.

3117. But the corporal punishment would be known, would it not?
It might be if it were inflicted in public.

3118. Do you not usually require the presence of all the prisoners at the infliction of corporal punishment?
No.

3119. You might do so, might you not?
You might do so. I have known it inflicted in the presence of six or seven, or eight or ten, or whatever number the cell would accommodate.

3120. If you wished to produce an example you might require the attendance of the whole prison?
You cannot require the attendance of the whole 1,500 prisoners.

3121. *Chairman.*] Has it been the practice of the visiting justices to inflict that particular punishment which you have mentioned, for the offence of striking an officer?
Yes; and for repeated idleness and repeated offences, of greater magnitude or more frequent character than I have thought proper to punish.

3122. In your opinion is that a sufficient punishment for those offences?
It has been effective, except, as I say, I should like to have corporal punishment to hold *in terrorem*.

3123. Duke of *Richmond.*] During those 14 days all labour ceases, does it not?
Yes.

3124. *Lord Steward.*] In respect to example, corporal punishment would have the advantage over the punishment of which you have now been speaking, would it not?
I have no doubt that it would have perhaps more effect on others by observation than on the persons themselves.

3125. Earl of *Dudley.*] Could you state to the Committee whether you know, of your own knowledge, that any man who has been in your gaol twice has ever settled down to an honest occupation?
Yes, scores.

3126. Do you know that of your own knowledge?
I know of 200 such persons living in the neighbourhood of Wakefield at this moment.

3127. Persons who have been twice in your gaol?
No, not twice; I cannot say how many have been twice, but there must have been many that have been more than once out of that number. I am very anxious to bring before the Committee this subject as being very important, because I have a very strong conviction upon the difficulty of reforming old offenders. I thought that in order thoroughly to understand this subject, it would be well that your Lordships should know the class of persons that are sent

sent to prisons. I have, in the Paper that I have given in, stated that the class is made up very much of old offenders throughout the kingdom; but I have gone more into detail with regard to the West Riding, and I find, on comparing the present time with 30 years ago, some very extraordinary results: that in the five years ending 1831 there were committed to prison for the first time, of residents in the West Riding of Yorkshire, 1,240 persons, and in the five years ending 1861 there were only 1,285 residents committed; so that in reality the number of offenders for the first sentence, who were residents in the West Riding of Yorkshire, has been stationary. Of the non-residents, strangers, tramps, travelling thieves, and others who are not known to have been previously in prison, in the five years ending 1831, 426 were committed, and in the five years ending 1861, 1,297. In the same area of five years, up to 1831, 922 old offenders were committed to prison, and the number in 1861 was 1,784 old offenders; so that the prison population is made up of strangers, travelling thieves, and old offenders. In this length of time the sentences passed upon prisoners have decreased in the West Riding amazingly. I drew up, for the chairman of the quarter sessions, a record of the sentences passed of penal servitude, and it is really very surprising how that has altered since the year 1827. From 1827 to 1835 there were 836 old offenders, and the magistrates sentenced 744 of them to transportation. Without taking the intermediate time, I will go to the last one; that is, the period of eight years from 1854 to 1862. There were then 1,452 old offenders, and only 546 were sentenced to penal servitude. That is one mode of decreased punishment. The average number of days that the prisoners were committed and kept in custody in the West Riding 30 years ago was 66; now it is 56. Ten days appear very little in one respect, but when it is multiplied by 5,000, which is the number committed in the prison, it is actually 50,000 days less confinement than there used to be. And this falls upon the class of prisoners that ought to have the greatest amount of punishment, viz., the old offenders. The first offences have remained stationary, and it is quite evident that the old offenders have been dealt with more and more leniently every year. The subject is of importance, because the number of recommittals of old offenders is so different from the number of recommittals of men for the first offence. The re-commitments of men sent for the first offence, taking many thousands, as I have done, are 26 per cent., and the recommitment of old offenders 56 per cent., so that you may depend upon 56 per cent. of old offenders coming back to prison again. I do not mean to say that they all come back to the same prison. I want to call your Lordships' attention to this especially, because I believe that the greatest benefit that this Committee could do would be to recommend cumulative punishments for old offenders. Take the example of a criminal who steals from a hedge; he receives a month, perhaps, and then if he comes again for stealing clothes from a hedge, he receives six months perhaps; and then, if he comes again, possibly he is sentenced to penal servitude. I do not see why the same law should not be carried out with regard to all offenders of every description. It is not a new subject. The Legislature has sanctioned cumulative punishments in a variety of cases, but they are restricted to repetitions of the like offence. I am anxious that the cumulative punishments should be upon all offences. A man commits an offence, say, of damaging trees growing and trees not growing, for instance. If he damages trees growing, the punishment for the first offence would be six months, and the second would be three years; but the man may commit an offence on trees not growing, and it is treated exactly as a first offence. There are many Acts of Parliament giving cumulative punishments; but they are spread about in individual Acts, and I do not believe it is known to one magistrate in 10 that there are such punishments as those.

3128. *Chairman.*] You are surely aware that when a previous conviction is proved against a prisoner, the judge always makes the sentence depend upon that previous conviction, and augments his punishment in consequence?

Yes; I am anxious that previous convictions should be proved, not upon felonies only, but on all offences.

3129. Earl of *Dudley.*] You are speaking now of summary jurisdictions, are you not?

Yes; there are the offences of vagrants, rogues, vagabonds, malicious trespassers,

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passers, disorderly apprentices, disorderly paupers, and a variety of other offences for which men come over and over again to prison 20 or 30 times. I know one person who came for tearing his clothes in the workhouse seven times in one year. The man had been out of prison for the longest period for seventeen days, and the shortest, five. I do not believe in any good the repetitions of those punishments can do to these prisoners. I believe that the prison discipline would make very little alteration indeed with regard to such prisoners; but if you could induce the Legislature to make an Act of Parliament sanctioning cumulative punishments upon all sorts of offences, and summary convictions not alone upon the repetition of a like offence; supposing that a man is committed as a rogue and vagabond, and he afterwards is committed for wilful damage, the committal on the first offence, if proved against him, the second time should entail a cumulative punishment; I believe that if the punishments were beginning at a small amount and increasing three or four fold, and ending with a sentence of two years, or a sentence of penal servitude as the case might be, your Lordships would do the very best thing towards thinning the prisons of this country of crime. I believe that that would be the beginning of it, and I have no doubt in the world that it would be an excellent thing. Taking it on the low figure that the men are not reformed and are not deterred, at any rate they are kept out of the way and are not inducing others to commit offences, as many of those old travelling thieves and clever men do. All men who are transported do not come for the first or second offence for felony, but for all sorts of offences. I have before me a list of 200 men that were sentenced to penal servitude in Wakefield, and 94 of these came for various trifling offences for the first time, so that in the case of those men who had come frequently 40 or 50 times to prison, if, instead of always giving the men 7 days and 10 days, you sentenced them, after three or four convictions, to two years' imprisonment, I believe you would do more good than by any means that you have in your power by any altered system of prison discipline.

3130. Duke of *Richmond.*] Would not that rather go to show that your disciplive in Wakefield prison is not quite so severe as it ought to be?

The table which I have referred to will show that at any rate our discipline is more effective in Wakefield than in nearly every other county. The seven counties that are in a better position than Wakefield, are quite agricultural; Cumberland, Cornwall, Huntingdon, Bedford, Suffolk, and Rutland; and then comes the West Riding of Yorkshire. Surely the discipline must have done some good.

3131. You were speaking of the number of times that a pauper was sent to prison for tearing his clothes. If that man had been sentenced to three weeks, and had been kept on the treadwheel all the time, would he not have been less likely to tear his clothes?

If I were satisfied that the treadwheel or any other punishment would deter a man, by all means let him have the treadwheel; but I am not satisfied that it would do any good.

3132. Earl of *Romney.*] You alluded to the Vagrant Act; do you not know that under that Act the principle of cumulative punishments is recognised?

Yes.

3133. Have you never known persons convicted as rogues and vagabonds, committed twice for the same offences and for disorderly conduct?

Very few cases indeed. The first conviction is as a vagrant, the second as a vagabond, and the third as an incorrigible rogue and vagabond; I have only known one incorrigible rogue and vagabond committed in 10 years. They are very rare under the third category; what I should recommend would be, that a short Act should be passed embodying all these offences, so that the magistrates who have many other duties to perform than simply as legislators, and who do not all know exactly the law, might see the clause in one single sentence; that all offences and convictions of any description will entail a cumulative punishment.

3134. That would do no good, would it, unless the magistrates carried it out?

They do not carry out those Acts, because they are ignorant of them.

3135. But

3135. But they must know the Vagrant Act?
Yes, but there are but very many other Acts giving increased sentences which few magistrates know.

3136. A person is charged with an offence under the Vagrant Act, and though there is the power to inflict cumulative punishment, you say that it is never exercised?
Very rarely.

3137. Lord *Wensleydale.*] You may always increase the sentence for the second offence where the punishment is discretionary?
Yes.

3138. But in the case of a fixed punishment, you could not inflict it?
Just so, the discretionary punishments are what have led to this great reduction in the amount of the sentence. There is something to be said, perhaps, in favour of discretionary punishments; but I must say that they have led to a considerable reduction.

3139. Duke of *Richmond.*] I understood you to give in a statement of the different sentences that have been passed within the last seven years as compared with the year 1835. Is not that the effect of a change in the law?
The shortness of the sentences is not the effect of the change in the law. I dare say the effect of the change of the law with regard to penal servitude may have something to do with it; but I excluded myself from that, because I said previously convicted prisoners. The magistrates have had at all times the power of sentencing previously convicted prisoners to penal servitude; formerly they could sentence any one who committed larceny to penal servitude.

3140. Earl of *Romney.*] Do not you find a very great diversity in the sentences of the judges?
There is as great a diversity between one judge and another as there is between one justice and another.

3141. Lord *Wensleydale.*] Generally speaking, do not you think that the judges are much more lenient in modern times than they used to be?
Yes, considerably. I do not believe that public opinion would exactly bear you out now in inflicting the severe sentences which were formerly inflicted; but it would be possible not to have quite so much limit given; that a second offence shall of necessity entail a heavier punishment; not "may," but "shall," if that were possible.

3142. Duke of *Richmond.*] Keeping out of view all the circumstances attending the case?
No. I would give full power within certain bounds; say, for instance, a first offence shall entail no more than one month to three months; the second shall be three months up to six months, or up to 12, or up to whatever the sentence may be. The third shall be from six to 12; that is the sort of discretion that I would give. I would give discretionary power wide enough, I think, to meet the case; but still it would be compulsory within a limit.

3143. *Chairman.*] Does not the facility which you have been recommending to a great extent involve also a better identification of the prisoners?
Yes, it does. I am not sure that what I have recommended would not increase that class that is found increasing so much. I mean the travelling thieves; it is exceedingly difficult to make a law to meet all cases. If you were to say, "The known ones we will punish with severity," it might by possibility drive them to wander about. I state that to your Lordships because I think it right to do so. Those who go about are a dangerous and an increasing class.

3144. Have you ever turned your attention to a better system of identifying previously convicted prisoners than that which at present exists?
I have tried the system of photography, and marks, and other things; but I am sorry to say I have not much faith in it.

3145. Will you be good enough to state to the Committee in what way you carried out the system of marks.
Every prisoner, when he comes into prison, is stripped, and all the marks that he has upon him are recorded in a book, natural marks more than artificial

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marks, because artificial marks can be eradicated, whereas natural marks would take a very long time to eradicate, indeed many of them cannot be removed, of course. But, speaking of photography, I have found very few prisoners recognised in the prison from photography, unless the name or some other reference was given. If you wish to carry out the whole effect of the punishment upon the travelling thieves, there is no mode but one that I know of, and that is to mark the man the same as a deserter is marked. And I do not know any reason at all why a prisoner who has been convicted should not be marked.

3146. Would you see any objection to inflicting a mark upon every prisoner convicted again after the first felony?

Certainly not. I see no reason in the world why he should not be marked on the second conviction, in the same way as a deserter is marked. Twenty-six per cent. only come back to prison, I think, out of 20,000 persons, after the first commital, so that that may be taken pretty nearly as the standard of returns of first convictions. You give a man a fair chance in that case, but if he comes a second time, then I do not think that you ought to deal mercifully with him at all, but you should inflict the severest punishment, either by discipline, or by anything of that kind.

3147. Are you of opinion that such a process would be exceedingly dreaded by thieves and criminals who become habituated to crime?

Yes.

3148. How would you propose to inflict the mark?

I do not know that you could do it much better, or more effectively, than under the arm.

3149. Would that be by means of gunpowder?

I think that or Indian ink produces the most lasting impression; it could be taken out, but it would leave a scar. You could obliterate the letter "D.," for instance, on a deserter, but it would leave a scar. Now, if the scar was in such a place as scars are rarely to be found, in some soft part of the flesh, it would be almost as good an identification as if the actual letter "D." were remaining.

3150. In fact, from your own experience in these matters, you see no difficulty, either practical or moral, in doing it.

No; I have advocated it at all times.

3151. Do you doubt that benefit would result from it?

I am sure that it would be of the greatest possible benefit to the class of persons that one is most anxious to punish. But I have explained to your Lordships that which I thought so important, namely, that the original criminals of the West Riding have not increased 45 in 30 years, when all the others have doubled. That therefore shows the importance of some system of identification of those travelling thieves.

3152. Do you think that there would be any advantage obtained from having a more regular system of communication established with regard to previously convicted prisoners between the governors of the different gaols?

Yes; I will explain to your Lordships what we do: there is a prison at Leeds, in our immediate neighbourhood, and three days before the sessions, five or six officers from Wakefield go over to examine all the prisoners for trial at Leeds, and *vice versâ*; they come over from Leeds to examine the prisoners at Wakefield, and in that case many persons are detected who are known as old offenders. A month ago, two persons were sent to prison at Wakefield in one day; the chaplain of the prison at Wakefield was formerly the chaplain at Portland; he came to me and said, "There are two men that you do not know, and that I know; they had been previously transported when I was at Portland; I will give you the names in confidence." A few days after, we sent a man to the Chatham prison, when he came to the Chatham prison, the authorities at Chatham knew him as having been previously at Chatham. A few days after that, a prisoner was sent from London to Wakefield for confinement, and when he came into the prison, we knew him as having been previously convicted in Manchester; and as having undergone discipline at Wakefield. A few days after that, a man came into the West Riding part of the

the prison, when he was inspected by the officers, he was known to have been previously convicted, and sent from Leicestershire. Those are five cases all within a month; they would have escaped detection, but for accidental circumstances; and I have no doubt whatever that such cases are very numerous indeed. If there could be such a system of registration as your Lordship has referred to it would identify a man and show that he was known; but unless you had a mark to find out who the prisoner was, you would be very little better off. If you say, "I know that a man has been in prison" (as we may when we see a photograph) "but I do not remember his name, and I do not remember any circumstances about him;" unless the law allowed you to punish a prisoner with cumulative punishment because he had been in some other prison, I do not see what great benefit you would derive from such a system.

3153. Are you of opinion that photography itself has been instrumental in identifying them?
Very few indeed; considering the extent to which it is used now in prisons, it has been instrumental in but few cases.

3154. Does not sending over the officers to Leeds on the different occasions that you have described involve a certain amount of expense?
Yes, it does; with regard to Leeds, which is very near Wakefield, the expense is very trifling in that respect; but it would be a very considerable expense if the system were universal. The expense is about 2*l.* 8*s.* a year, or something of that kind, to each prison.

3155. It would be impossible, would it not, to apply that system to anything except immediate localities?
It would.

3156. Lord *Wensleydale.*] Who pays that expense?
The borough of Leeds pays it in the one case, and the West Riding in the other. It is an acknowledged expense, and is ordered by the magistrates to be defrayed.

3157. *Chairman.*] Looking at the expense which would interfere with this system being carried into effect in many parts of England, are you of opinion that the reduced scale of allowances to witnesses, which has been issued lately by the Home Office, has acted prejudicially, so far as the identification of previous offenders is concerned?
It did act unfavourably, but I think it is altered now.

3158. Did you yourself experience great injury from it?
No; I did not myself experience it, because the magistrates in the West Riding always allowed a reasonable sum, and they paid it out of the county rates, independently of the Home Office. It was disallowed by the Government, but it was allowed there; but I have repeatedly seen refusals of officers to come there, not knowing that fact. Although they were not couched in such terms, as saying, "I will not come, because you will not pay me," it came to that.

3159. Do you consider that the present revised scale of allowances is a sufficient remuneration to the officers for going to a distance to identify a prisoner?
Yes, I do.

3160. Can you state wherein in that revised scale the distinction lies, which is drawn between the allowance made to a police constable at the assizes, and a police constable at the quarter sessions.
I believe it is because at the assizes the expenses are greater; assize towns are in many cases small towns, and the expenses of living are greater during those times; a greater number of persons congregate together at such seasons, and the expense is greater; the lodgings are a very heavy expense indeed.

3161. Is everything in fact raised in price, so far as accommodation and food goes during the assizes?
Yes;

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Yes; so far as regards the subject. I was mentioning about old offenders; there is an illustration which I think is worthy of being brought before your Lordships. The adults have increased from 3,611 in 1856, to 5,332 last year; the juveniles were 324 in 1856, and they have been reduced to 214. In the last three years, in the West Riding, there has been an increase of adults something like 1,000 or 900 in each year, and the juveniles have been stationary. I bring this before the Committee to show the benefit that has arisen from having juveniles in confinement. Boys are influenced more easily perhaps than men by their bad associates; but having the bad class away from them, I believe has really kept down what might be an increase; and I have no doubt that the same result would arise if you were to have those old offenders locked up. I have a suggestion to make to the Committee with regard to the treatment of prisoners founded upon our own experience, and it is this: that every prisoner committed for a term of imprisonment not exceeding one month, shall be kept in strict solitary confinement, and subjected to the following discipline and diet. Then the diet would be for 10 days according to the 7th class, which I have given, and for terms exceeding 10 days, the 6th class. There should be no exercise, unless specially ordered by the surgeon, who shall state his reasons in each individual case. With regard to correspondence, no letters or visits to be allowed; instruction, no books, except the Bible and Prayer Book, and no school instruction; to attend Divine Service on the Sabbath, work at the discretion of the justices. With regard to cell accommodation, every cell so occupied by this class to be supplied with a seat, a wooden bedstead, or guard bed, with no mattress; sufficient clothing being allowed for warmth, and exercise. I have made a remark, "this rule to be dispensed with with regard to aged prisoners." The second part of the suggestion is, that every prisoner committed for a longer period than one month shall be kept in solitary confinement for the first 14 days of his imprisonment; that he shall be placed on the 5th or lowest class; he shall have 10 hours of labour exclusive of instruction, which shall be given in the evening, after working hours: and one hour of exercise per day. I would suggest that an ascending scale, not only of diet, but of slight prison relaxations, should be drawn up in every prison by the visiting justices; so that a prisoner, by his conduct and industry, and endeavouring to improve or reform, might be encouraged, and thus have something to hope for and to look forward to. I believe that that would be as strict a discipline as it is possible for these men to bear; and I think it would work satisfactorily if there were added to it those long sentences which I am anxious should be introduced.

3162. Earl of *Romney.*] Your view in all this is to reform the man, is it not?

My principal aim is to reform the man.

3163. *Lord Steward.*] Can reformation be effected in the case of prisoners sentenced to short imprisonments?

I am sure it could not; I have no hope, certainly, in such cases.

3164. Earl of *Romney.*] Do you believe that if the criminal law were carried out with greater vigour, both with regard to sentences and also with regard to internal discipline in prisons, any reduction might be made in the class of offenders?

I am sure that it might; I have not any hesitation in recommending it, and stating it boldly as my opinion.

3165. The practice has been lately very much to reduce the severity of sentences, has it not?

Yes.

3166. During which time a very great increase has taken place in the class of old offenders?

Yes; I have stated, that not only in the West Riding, but throughout England and Wales the class of old offenders is increasing.

3167. Your

3167. Your expectation is, that a very great reduction in the criminal population might be made by carrying out the criminal law with greater vigour? Yes, that is my opinion.

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The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, Twelve o'clock.

Die Jovis, 23° Aprilis 1863.

LORDS PRESENT:

Duke of RICHMOND.	Earl of DUCIE.
LORD STEWARD.	Earl of DUDLEY.
Earl of CARNARVON.	Lord WODEHOUSE.
Earl of ROMNEY.	Lord WENSLEYDALE.
Earl CATHCART.	Lord LYVEDEN.

THE EARL OF CARNARVON in the Chair.

Evidence on Prison Discipline.

Sir W. Crofton, C.B.

23d April 1863.

SIR WALTER CROFTON, C.B., is called in, and examined as follows:

3168. *Chairman.*] YOU have been for several years engaged in the superintendence of Irish Prisons, have you not?

Yes; I was appointed chairman of the Board of Directors of Irish Convict Prisons in 1854, and I retired from that office in June 1862.

3169. Besides the position which you have held in Ireland, you have had experience, have you not, in England of the county prisons, and of prison matters generally?

Yes, I have, as a magistrate, not only in my own county of Wiltshire, but in other gaols, which I have constantly visited, and minutely examined.

3170. It was in your interest in prison matters, under those circumstances, that originally led to your turning your attention to the subject, and ultimately to your appointment in Ireland?

It was.

3171. The whole question of Prison Discipline in its general outline has consequently been a matter of interest and study to you?

It has.

3172. Are you of opinion, that in the gaols and houses of correction in England at present there are very large discrepancies both in the construction of the prisons and in the discipline of the prisoners?

I am decidedly of that opinion; I consider that there is great want of uniformity, both in the labour and in the diet, and in many instances in the location of the prisoners themselves.

3173. Is it not your opinion that want of uniformity is very prejudicial?

Very much so, because I find that the sentence of hard labour in one county means a distinctly different thing from a similar sentence in another county.

3174. Are you of opinion that there is laxity in point of discipline in many of those prisons?

I am not prepared to say that there is any laxity; I consider the want of uniformity of procedure to be excessively detrimental: it arises, as it appears, to me, from a very general want of proper appliances for carrying out hard labour, and in many cases from an idea that separate imprisonment has superseded the necessity of hard labour.

3175. Do you believe that in many prisons both the diet is in excess, and the labour is in deficiency, of that which you would consider to be a satisfactory standard?

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I am not prepared to state that. I consider that the want of uniformity in the diet is a great objection. I believe that the recommendation,—for it was a recommendation only from the Home Office, made many years since—with regard to the dietary given in county prisons is erroneous in principle, because we find constantly that prisoners are asking for longer sentences in order to evade a short sentence, and the low dietary connected with it. It therefore appears to me to operate as a sort of premium to the commission of a greater offence. It would appear to me to be a far better arrangement that every man who enters a prison should, during the first period of his sentence, have the lowest dietary, and then be promoted from one class of dietary to the other, according to time and other circumstances; I think that they should all commence with the lowest scale of diet, which would at once take away the ground for a prisoner wishing to have a longer sentence in order to escape the low dietaries.

3176. Is it not, in point of fact, the case that the dietary improves just in proportion as the offence itself becomes grave?

There is no question about it.

3177. And that whereas you punish a venial offence by the heaviest form of diet that you can devise, you punish a very grave offence by a very much improved dietary?

Yes, certainly.

3178. Therefore your opinion would be that the dietary should be progressive, and that all prisoners should commence with the lowest dietary, whether they were in prison for a short sentence or for a long one?

That is my decided opinion.

3179. Are you of opinion that the tread-wheel is an implement which is useful in the correction of prisoners?

I am, decidedly. I know that there are many objections to the tread-wheel, principally, perhaps, because persons consider that the labour of the tread-wheel is unproductive labour. Now I cannot myself see why it should be unproductive. I know that many people consider that the fact of having unproductive labour operating on the mind of a prisoner is very detrimental; but I cannot see why the tread-wheel need be unproductive in its results. I am certain that if it were carried out judiciously it would be a very great deterrent to criminals.

3180. Has not the tread-wheel this advantage over some other forms of punishment, that it is possible by means of it to apply the amount and proportion of punishment with greater accuracy?

I have understood so. I cannot say that I am in a position to assert it positively. The tread-wheel itself no doubt operates very differently; it would require to be regulated, or else there is a certain number of steps that a man may be required to take in a certain time in one case, and in another not so many; but it appears to me as good a form of punishment as can be devised for the purpose.

3181. The same argument which you use with regard to the tread-wheel would be applicable as regards the crank, would it not?

Yes, it would; I prefer the tread-wheel myself to any other system of hard labour, and I believe that it might be made really an instrument of great service; for instance, the plan that I should adopt with regard to it would be, that during the first month of imprisonment I would place a prisoner for a certain number of hours, to be decided upon, per day on the tread-wheel. The second month, if the conduct of the prisoner, and his industry in other employments which I would point out, were satisfactory, I should let the labour on the tread-wheel be reduced, month by month, so that we should find that, although a man would be getting hard labour during his sentence, it would rest with himself, through his industry and good conduct, to reduce the amount of his hard labour on the tread-wheel. When the time for the tread-wheel in the day was over, I should institute other employments, depending, of course, on the period of imprisonment. During the first month, if the sentence was for one month or under, prisoners would of course be a considerable portion of their time on the tread-wheel, but the remainder of the time I should occupy them in picking oakum, or some other simple employment, as to which you could note whether they were industrious and well-behaved in carrying it out.

3182. In your point of view, the tread-wheel is essentially a penal engine of discipline?

Yes, essentially; at the same time, I think it could be combined with other industrial pursuits, under such arrangements as would afford a stimulus to a man to work himself off this hard labour by degrees, and to earn something for himself, perhaps, when he leaves the prison.

3183. And your view would be, that, having regard to the requirements of prison discipline, and the ultimate reformation of the prisoner, the penal element, whether it be by the tread-wheel or by the crank, ought to form a constituent part of that system?

I am quite satisfied about that, and more now than ever, because nine years since we established reformatory schools at a great expenditure of money and time, and I think that when we do so much to prevent crime, and to train the young so that they shall not pursue criminal avocations, we are bound, on the other hand, to be more stringent in the punishment of those who still pursue a course of crime, notwithstanding what we have done for them. I am quite satisfied that the managers of reformatory schools would consider their hands strengthened by its being known that pursuing a course of crime would lead to really stringent punishment, and to other deterrent procedure externally, which I shall, I hope, point out presently.

3184. It has been given in evidence before this Committee by some of the witnesses, that, in their opinion, the effect of the tread-wheel and the crank is to create a sense of degradation in the mind of the prisoner; is that your opinion?

I have no doubt it may do so; but, combined with other industrial pursuits, I think this effect might be counteracted. I believe that the penal element is so necessary, that the feeling of degradation ranks as of minor importance in my mind.

3185. Do you believe that it creates an irritating feeling in the minds of the prisoners?

I have no doubt it might if it was kept on constantly without being combined with anything else; but I am satisfied that if you showed a man the possibility of his getting off it through his own extra industry and good conduct, you get rid at once of that feeling of irritation.

3186. *Lord Steward.*] Do you think that the number of prisoners in whose minds a feeling of irritation is caused by the mere fact of labour being unproductive, and who draw a distinction between productive and unproductive labour, the two forms of labour being equally fatiguing and painful, is large?

I think they do draw the distinction; and my own impression is, that it would be a large number, although I have heard many experienced governors of gaols say that they do not think it is. But I believe the whole of that feeling of irritation would be got rid of through the institution of other industrial pursuits in connexion with it.

3187. Lord *Lyveden.*] What experience have you of the tread-wheel; is it generally adopted in Ireland?

It is adopted partially in Ireland as it is in this country; it is not adopted in the convict prisons in Ireland; but I have observed its operation in many prisons in this country, and in Ireland also; and I have seen many criminals and convicts who have been subjected to it, and I have heard their impressions of it.

3188. Have you seen enough of it to be able to form a decided opinion upon its effects?

I have, certainly.

3189. Earl of *Romney.*] Have you ever had charge of any particular prison, so as to have an opportunity of watching the prisoners from day to day?

I have not.

3190. Yours are merely casual visits?

Yes.

3191. Therefore, it is rather difficult for you to form an opinion as to its effect upon prisoners as to their sense of irritation or degradation?

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It is so as to the effect physically, of course; but with regard to its effect in producing irritability, I have seen so many convicts and others who have been subjected to it, that I think I can give an opinion with regard to it. I believe that unproductive labour of that description does generate irritability; but if it were made productive and coupled with other industrial pursuits, as I have advised, their minds would be divested of that feeling of irritation with regard to it.

3192. If men employed upon the tread-wheel know that in one case they are grinding corn, and in another case they are merely turning against the air, do you think that that knowledge would in the one case cause irritability, and in the other case not?

I believe that it would.

3193. Do you judge in that way from what the men have told you?

Yes; the prisoners have told me themselves that they would rather know that they were doing something, and governors of gaols have also told me the same thing. But that would not at all alter my opinion with regard to the proper use of the tread-wheel, because I believe it could be used advantageously in combination with other things.

3194. *Lord Steward.*] It might be made applicable to useful purposes, such as grinding corn, or pumping, might it not?

Yes, certainly, and is so in many gaols.

3195. *Chairman.*] Are you familiar with the use of what is called the cellular hard labour crank?

No, I am not.

3196. Are you aware whether the prisoners themselves, as a general rule, prefer industrial occupation to work on the tread-wheel?

I am quite sure they would infinitely prefer industrial occupation.

3197. Would they prefer open air exercise to industrial occupation?

Yes.

3198. Therefore, they would prefer industrial occupation to the tread-wheel, and open air exercise to industrial occupation?

That I am sure of.

3199. By open air exercise you mean, do you not, exercise in some inclosed place or yard?

Yes, or some employment in that yard.

3200. Of what nature would you suppose that employment to be?

I think they would rather have any out-of-doors employment than be shut up in their cells with industrial labour.

3201. If industrial occupation be given in lieu of hard labour by the crank or by the tread-wheel, is it in your opinion desirable that it should be assigned to each prisoner by piece-work?

I think it would be very desirable if it could be done; but it would be replete with difficulty. I have in my mind a very inferior tailor, who could, perhaps, just stitch a little, and another a very good tailor, who with one-fourth of the labour could perform the same task; I think it would be a very difficult thing to arrive exactly at each man's capability of performing his work by the piece in a certain amount of time.

3202. Is not that rather an argument against industrial occupation as a whole?

I think not. But I have already expressed my opinion that the tread-wheel hard labour should form a portion, and a very strong portion, of the punishment. I think that it would be quite easy to know whether a man was performing as much as he could of industrial work by some system of check, either by marks or any other system, which would record whether a man was doing his best; that is what we want to get at with regard to prisoners. One man may do more work than another, but still not be actually so industrious. We have a record kept, with marks, in the Irish convict prisons, which gives us an idea of the amount of industrial labour that a man is performing according to his capability.

3203. I suppose that in proportion as you complicate the nature of the industrial

trial occupation, so you increase the difficulty in assigning anything like piece-work to the prisoner?

I think so.

3204. Therefore, if you have recourse to industrial occupation, it is desirable to have it of the simplest kind?

That would be my impression.

3205. Probably that simple form of industrial occupation would be mat-making, or something of that nature?

If your Lordship will allow me, I will just explain what industrial occupation I would assign. For sentences above one month, after the prisoners had been on the tread-wheel for a portion of the day, and performed their hard labour, I should place all tradesmen at the work that they can perform; if a man were a shoemaker, he should be put to shoemaking, and a tailor should be put to tailoring, and so on. But as the majority of prisoners would not be tradesmen, I should, after the one month, place them at an employment, such as boot-closing, which is a very simple process, and which could be learned in about 10 days or a fortnight; sack-making, and works of that kind, which men in 10 days can perform, perhaps roughly, but well, and their industry at which be very easily noted. Those are the sort of works I should put them on. Mat-making takes a little more time, perhaps; but there would be no objection to that, as it does not require much skill. Those under a month, I should only put to oakum-picking. They would have very little time beyond the period at the tread-wheel in which to work at all, and during that time I should give them the simplest work I could, which would be oakum-picking. After one month I should allow a man to work himself off the tread-wheel by his industry at other avocations, which I think could be very satisfactorily marked, as in the Irish convict prisons, without piece-work.

3206. Lord *Wodehouse*.] What necessity would there be for giving them employment beyond the tread-wheel in oakum-picking?

Because I think you would find that the medical officer would not allow them to be the whole period of the month on the tread-wheel.

3207. How long would you allow them to be on the tread-wheel?

I can scarcely answer that question, as the opinion of medical officers is so different in different gaols. I would keep them on the tread-wheel as long as they could work at it, and if there was any surplus time, I would employ them at oakum-picking.

3208. Earl of *Romney*.] Do you mean that if a man was in prison for 7 or 10 days you would give him tread-wheel labour?

I would give him as much tread-wheel labour as he was thought fit to undergo. In some gaols there are only eight hours and less devoted to tread-wheel labour; the surplus time for labour I should devote to oakum-picking in cases under one month.

3209. *Chairman*.] You stated, did you not, that it is difficult to apply anything like a system of task work in industrial occupation?

My impression is that it would be very difficult. I have never tried it, but I should consider it would be so.

3210. *Lord Steward*.] What is your opinion of shot-drill as a punishment?

I do not like it.

3211. What is your objection to it?

I think it is one that perhaps generates more irritability than anything else with the prisoner, because you cannot make it productive in any possible form.

3212. Does that answer consist with the experience of the governors of military and naval prisons?

I should think not; but there would be a variety of opinions with regard to it amongst them; shot-drill cannot be made productive labour in any way, whereas the tread-wheel can.

3213. *Chairman*.] I conclude that, under all circumstances, it is difficult to obtain from a man in confinement the same amount of work which you would get from a free labourer?

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Very difficult, in my opinion.

3214. If there be no task-work or no piece-work assigned, is it not very difficult to have anything like a check upon the amount of work which is done?

I think it would be found easy for the officers of the prison, the governor, and the trades-warders, to note whether each man is doing his best; the prisoner would have an inducement through working himself so many hours off the tread-wheel each month in consequence of the industry evinced at other avocations, which could be carefully noted.

3215. What would be the inducement which you would hold out to him; would it be simple relief from the more penal form of labour, or direct advantage in the shape of diet and other advantages?

A relief from the more penal form of labour, and other advantages, such as a gratuity on his liberation. By statute it is possible, at the present time, that a man should have a small gratuity on his liberation; I should recommend that this man should, by his extra industry, earn whatever gratuity he should receive, and that if he did not perform that extra industry, which I think could be measured satisfactorily, he should not have his gratuity, so that he would feel that it was through his own exertions he was replacing himself in the community in a manner to further any good intentions he may have formed.

3216. That would have the additional advantage, would it not, of effecting indirectly a repayment to the county?

Clearly.

3217. In your opinion, is it necessary to make the inducement very large in order to secure the good conduct or the increased exertions of a prisoner?

No, it is not.

3218. You consider that a small inducement, if it led to some improvement in his state, is sufficient?

It would be sufficient for all purposes to generate the industry that you require.

3219. When a prisoner is sentenced in court to hard labour, is it your opinion that that hard labour is intended to include labour at the tread-wheel or at the crank, or at industrial occupation; or would it be thought to imply simple confinement within the walls of the gaol?

I should understand most distinctly that the meaning of hard labour must be what we all understand by hard labour, labour either on the tread-wheel or the crank; I cannot myself consider that a man's making a waistcoat or a pair of trousers in his cell is hard labour.

3220. *Lord Steward.*] It should be something requiring bodily exertion?

Yes.

3221. *Chairman.*] We have had evidence with regard to one system of confinement in which self-instruction, as it is termed, is made the basis of prison discipline, and the prisoner is confined in a cell, and whatever work he does, though of the mildest form, is given him rather as a reward and relaxation than as a punishment; would that be consistent with your theory of prison punishment, or with your idea of what is intended by the Act of Parliament, and by the reports which have been issued on the subject?

I think it could be combined with what I have just recommended.

3222. Would you approve of it taken exclusively?

No, not exclusively; I do not think it would be sufficient.

3223. Would a system of industrial occupation, such as is in use at Wakefield, be consistent with your theory?

I am not strictly conversant with the system at Wakefield; my impression is, that if a man is sentenced to hard labour, that hard labour should be carried out; I think that a great deal that I have read as being done at Wakefield, which is very valuable, might usefully be combined with it.

3224. With regard to your previous answer, will you state to the Committee how you would propose to graduate your marks with reference to the offenders who were in county prisons for three, or four, or six months?

I have

I have already explained how I should treat a man who was under a month's sentence; I should during the second month have a reduced period of work on the tread-wheel, and the third month a further reduction; but I would not allow a man to obtain this advantage, without he satisfied those who were placed over him that he had been sufficiently industrious at the other work which had been allotted to him; I should prefer that that industry should be noted by some system of marks. That may be a prejudice on my part, because I have been accustomed to marks in the Irish convict prisons, although I am far from assuming that it is the best system of marks; there are several systems in use now, and some system of marks, I believe, would be a very intelligible record to prisoners of the progress they were making. I think a system might be devised, so as to lead the man to feel that by his own industry his position was improved, in diminishing his number of hours of labour on the tread-wheel, and, as I stated before, in acquiring a small gratuity month by month. I think that this course would hold out an inducement to his good conduct, and would take away the irritability induced by the penal discipline, which I think is necessary to be inflicted on him; and have the very good effect of making the man feel that he was improving his position through his own industry. I think it is far better than giving him any gratuity, irrespective of industry, at the end of his term, to let him feel that he was gaining it by his own exertions, and that if he did not gain it, he should not receive it.

3225. Would you make the increase of diet concurrent with the rise of the men into the higher classes?

I think that the present scale of dietary would be ample; but I cannot well give an opinion about the increase of the dietary, because there is a difference in different prisons; in some cases it appears to be very ample indeed. In many prisons the inmates are so well fed, that I should certainly not feel justified in saying that I would improve the dietary.

3226. In the event of misconduct on the part of a prisoner who had gained marks, and consequently been promoted, would you put him back to the lowest class, and make him work his way up through the successive stages, with all the disadvantages attending them?

Yes, certainly; and unless he acquired the proper number of marks, I would not promote him from the one stage to the other; he would have to wait in the lower stage until he had acquired the number of marks which would entitle him to be removed.

3227. Lord *Wodehouse*.] Would not the system of marks enable the visiting justices of the prison to see what the progress was?

Yes; I found, as director of convict prisons in Ireland, that it was of the greatest possible use; I could tell in each case at a glance whether the individual was idle, and where he had failed. The establishment of the system of marks was not alone due to me, and therefore I can speak the more freely upon it. I certainly have the highest opinion of it. With regard to the prisoners themselves, they feel the advantage of it, as well as those who have to deal with them, who would be the visiting justices in the case of county prisons.

3228. There is a large class in the county prisons who are unfit, from medical reasons, to work on the tread-wheel; how would you deal with that class?

Unfortunately, there is scarcely an alternative but to place them at industrial avocations.

3229. Would you employ them at once at industrial avocations (understanding by that term trade occupations), or would you subject them to some period of oakum picking?

I should do the same with them in that respect as with the others; I think, that being left in their cells for a month, with oakum picking, would have a more deterring effect than if the trades' warder were coming in every moment attempting to teach them a trade.

3230. *Lord Steward*.] Some of them would be able to break stones?

Yes, some few.

3231. Lord *Wodehouse*.] You would put them to something analogous to the tread-wheel, as far as circumstances permitted?

Yes.

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3232. *Lord Steward.*] As near an approach to hard labour as possible?
Yes; I think that a man's being left to himself at oakum picking for a time has a very deterring effect; I have experienced that myself in convict prisons.

3233. Earl of *Romney.*] Did you ever hear that putting men on a low scale of diet when they first go into prison, and raising it afterwards, has been found to act injuriously on their constitutions?
I never found it to be the case; I never heard of it happening; I suppose there may be some exceptional cases, but I cannot understand why it should be so.

3234. Duke of *Richmond.*] I understand you to say that you would think it better to employ prisoners who were unable to work on the tread-wheel at breaking stones; might it not be very difficult in many county prisons to procure the raw material?
I am afraid it would be in many cases, and that is why I think, generally speaking, they would have to resort to industrial avocations. I have known stone-breaking in many places very profitable, at Belfast, for instance: there are many local circumstances which might make it very desirable to have stone-breaking.

3235. In addition to the difficulty of procuring stones, it might be in some county prisons very expensive, even if the stone could be obtained?
Quite so, I think you would generally have to find other avocations in those cases.

3236. Earl *Cathcart.*] Sawing marble and stone is a punishment which is adopted in some prisons; have you had any experience of that?
No, I have not; oakum-picking, if they have it in a certain form of rope, can be made very irksome and very troublesome for them to do; if they have to pick a certain weight, and to keep it up every day, it is more formidable work than it appears.

3237. *Chairman.*] The Committee have had evidence that there are still many prisons in England in which the separate system has not been carried out, owing to the imperfect construction of the old prisons, and the expense which would be incurred in dividing them into separate cells; has that same difficulty been felt at all in the Irish prisons?
It has been felt in the Irish convict prisons, and it has occurred to me very frequently whether some modification might not be made. There are many persons who, I think very naturally, are not inclined to incur the great expenditure that is involved in separate prisons: they adopt a plan in the Irish convict prisons from economy, which I think could be very satisfactorily adopted in county prisons, where they do not wish to incur the expense of more separate cells, or where they have no means without a fresh building of having them; I have brought with me a rough plan, showing how to divide large rooms into cells, which is very cheap, and answers the purpose, more especially if used for those prisoners who are long periods in the county prisons, so that after they have been in the ordinary cells for a certain time, they could be removed to the sort of cells that I am now going to show your Lordships; they are used on the Continent in some of the prisons, and are very economical [*The Witness hands a plan to his Lordship, and describes the same*]. The cells are made of wood and wire; the wire in front and at the top; the partitions to be either of wood or of corrugated iron, and to be made removable.

3238. Do you propose under this scheme that there should be a range of cells on each side of a common passage?
Yes, on each side of a large room.

3239. Would prisoners in adjoining cells be able to see each other?
In the opposite cells they would be able to see each other, but an officer would be in the passage walking up and down between the two rows of cells.

3240. Would not it be objectionable if from the opposite side of the passage they could see each other?
No, I think not; I should recommend that those who are placed in these cells should be prisoners who have been already kept in strict separation; I merely recommend this plan as being far better than an associated room for them.

3241. It would be quite possible, would it not, that although prisoners in adjoining

adjoining cells could not see each other, they could hear each other, and communicate with each other?

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They could communicate, no doubt, but I do not contemplate placing prisoners in these sort of cells when they first come into prison; but in cases where there are a limited number of separate cells, and the rest of the prison associated rooms: instead of having associated rooms, I would fit up those rooms as I have described for the class of prisoners who have gone through the other cells, and I believe that very little injury would arise from that arrangement.

3242. *Lord Steward.*] You recommend that only as preferable to the plan of associated rooms?

Yes, as preferable to the plan of associated rooms, not as a substitute for the other cells in cases where the expense attending them would be incurred.

3243. *Chairman.*] What would be the cost per cell?

£. 3. 15 *s.* for the material; as to the labour, the cells were erected by two or three juvenile carpenters in the prison.

3244. Earl of *Romney.*] You do not recommend that, do you, as a substitute for the separate system?

In cases where they did not wish to incur the expenditure of erecting more separate cells, I think with a different classification of the prisoners, these cells would answer the purpose, instead of leaving the remainder of the prisoners, who were not in separate cells, employed in associated rooms; if they had arranged to erect separate cells on the old system, I should prefer it to this plan, but I merely recommend it with a view to reduce the cost.

3245. Lord *Wodehouse.*] You would generally prefer in every case that the system of separate cells should be established?

I should.

3246. *Chairman.*] Have you ever turned your attention to any better system for the identification of prisoners after previous conviction?

Yes, I have done so. I believe that at the present time, we cannot have a system of penal discipline sufficiently stringent of itself to deter from crime. I do not think that anything we could do in prison, more especially now-a-days, would be sufficient of itself to deter a criminal, but that we must look to some external procedure in conjunction with a stringent system of treatment to obtain such a result. I believe that at the present time the want of records and knowledge of the antecedents of prisoners who come to the county and borough prisons causes the large number of old offenders and old convicts, who are now under detention in those prisons, to the detriment of the discipline of the establishment, to the cost of the county rate, and, worse than all, to the encouragement of crime, because in every gaol there are at the same time novices in crime. We find old convicts, who have probably been under sentence of penal servitude for a long period, who have been living for many years in crime, sentenced to a month or six weeks' imprisonment, side by side with one who is just commencing a criminal career; and the effect upon the mind of the person who has just commenced a career of crime, of knowing that such immunity exist for an habitual criminal, must be fatal to what we want, which is the reduction of crime throughout the country. I should therefore wish to see some arrangements and appliances instituted which would serve, as far as possible, to check such a state of things. I believe that if the criminal classes knew, and those who are commencing crime knew, and those who are in reformatory schools knew, that the end of a criminal career must infallably be a long sentence of penal servitude, terminating with a civil disability, in the shape of supervision after liberation, because the man would then have proved himself to belong to the criminal classes, the effect of that knowledge operating upon the minds of those persons, would do more to reduce crime than any stringent proceeding that we could adopt inside our prisons. And one arrangement for that purpose (it may appear a trifling one, but it is a very efficient one, I can say, after many years' experience) is the institution of photography. I believe that if every man were photographed when he came to prison the first time, and if on the second conviction that photograph were sent to the head of the police, it would have a very deterrent effect on the minds of prisoners. In Ireland for many years we have been carrying out this plan, and I have

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brought a sample with me. We have a photograph taken of every man who comes into the prison, and by a contract which we have entered into, we have three of them for 1 *s.*, and after the third for 4 *d.* each; we can have as many as we please to send round. This (*producing a photograph*) is the result of that expense. I can assure the Committee that the effect of the knowledge of this procedure on the minds of prisoners can scarcely be exaggerated. Many people will say that a man may make faces, and disguise himself while he is being photographed; that is quite true; I found for the first fortnight that there was little else but contortions on the part of the prisoners to evade this practice; but after that time there were no faces made, and they all submitted to it. I am quite satisfied it has a very great effect upon them, because the police then know them all, and can trace them; this practice, coupled with other procedure, will, I am satisfied, have a very great effect in reducing crime, because it will lead at once to a man being suspected and identified. We have an arrangement in Ireland in all the county prisons which works extremely well; whenever they have any offender whom they either suspect or know to be a convict, they send to the Directors' office the particulars of the person of the man who is sent for trial in this form, which I will hand to the Committee, which form is sent to every county gaol in Ireland:

The Witness delivered in the following document:—

(Form 47.)

Gaol.

Particulars, Description, &c., of a Prisoner suspected or known to have been a Discharged Convict.

Particulars under which now in Custody.

Name, A. B.
Crime, picking pockets.
Date of trial, 25 February 1862.
Sentence, if passed, 10 years' P. S.

Particulars of former Convictions as far as is known or, can be ascertained.

Name, A. B.
County where tried,
Date of conviction, 15 January 1852.
Crime, stealing from person.
Sentence, seven years' transportation.
When discharged from convict prison, April 1856.
Prison from which discharged,

Description.

Hair, brown.
Eyes, ditto.
Eyebrows, large.
Nose, medium.
Mouth, large.
Complexion, rather sallow.
Visage, round.
Make, stout.
Height, 5 feet 5½ inches.
Marks on person, D left breast; minus fore-finger, left hand.
Present age, 28 years.
Trade or calling, tailor.
Prison trade, ditto.
Born at
Resided before committal at
Friends reside at
Whether identified as having been a convict, and by whom. By letter from gaol. At

Turnkey.

Observations.

Supposed to have enlisted after discharge from prison.
Usual letter on form J, sent herewith.
This prisoner will be tried most likely on Tuesday next; an early reply is requested.

(signed) Governor,
23 February 1862.

Tried on 25/2/62 and sentenced on 26/2/62 to 10 years' P. S.,
(signed) Governor.

When the man is identified, and sent to trial, and found guilty, a letter of this description is sent in every case from the Board of Directors to the governor of the gaol to be laid on the desk of the judicial officer.

The

"The enclosed particulars of ( ) have been compared with the books of this office, and are correct. In the event of b being found guilty of the present charge, the Directors of Convict Prisons request that the notice of the Judge may be particularly called to the circumstance of b being an 'habitual offender,' with the view of b receiving a sentence proportionate to b perseverance in pursuing a course of crime. Please to notify the result of the trial to this office, and return the enclosure at the same time."

The case before your Lordships illustrates my view. A man for picking pockets would probably, under ordinary circumstances, have had a very short period of imprisonment in the County Prison, but his antecedents being thoroughly known and brought to light was the cause of his receiving 10 years' penal servitude.

3247. I understand that this system of photographing is applied in Ireland only to the case of penal servitude men?

In some county gaols in Ireland, they have adopted it in other cases; but I have been referring in these cases to penal servitude men. I would carry it further, as I have before stated, and use it for men under short sentences, and in conjunction with the police when a man comes a second time back to prison.

3248. There could be no possible difficulty in applying it to persons in confinement in county prisons?

None whatever; it would be the greatest possible advantage. I could mention two other cases illustrating the same thing; the extent to which it has enabled Irish county gaols to be cleared of old offenders who have been convicts has been very great.

3249. I understand, from the details which you have given the Committee, that this communication enclosing the photograph of the convict is sent to the Directors' office in Dublin?

Yes.

3250. Would there be any difficulty in extending that system, and in having a thorough communication between county prison and county prison?

There would be no objection to it whatever; it would be quite as easy as from the Directors' Office.

3251. It would simply involve a few more photographs and a few more forms?

That is all.

3252. Would it not in that point of view be very beneficial?

It would be exceedingly beneficial; the effect upon the criminal classes can scarcely be exaggerated. I think that, while I am speaking on this subject, I must make some observations with regard to the police. I know that there may be many governors of county gaols in this country (because they have said so to me) who are under the impression that the police would be rather hard upon some of these criminals: that opinion was also placed before me in Ireland; but after many years' experience, I am quite positive in stating that I do not believe it would have that effect at all. Now that we have a large police-force which costs us about a million and a half per annum, and with a limited transportation, I think it is incumbent upon us to use them for this purpose. I believe that the police at the present time would dog a criminal about, in pursuance of their duty; but if they were co-operating with the governors of the gaols, and acting under information, that system of dogging would altogether pass off. I found that there was a system of dogging on the part of the police in Ireland before they were co-operating with the prison authorities; but I have only had two or three complaints of there being any dogging now. In fact, they have so much information now in their hands, that it is unnecessary that they should dog the criminal, and there is therefore far less espionage now than there was before; and so it would be in England. We make our police, in many counties, assistant relieving officers for paupers; and surely, if we entrust pauper cases to them, we cannot hesitate about entrusting criminals to them.

3253. Duke of *Richmond.*] Is that done in England?

Yes; in Wiltshire they are consulted with regard to paupers and vagrants, who come to the Board and receive relief, and they act as assistant relieving officers. That is not done in one county only; but I know it of my own knowledge to be done in Wiltshire, because I am a magistrate there.

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3254. Lord *Wodehouse*.] Do the police receive payment for that?
Yes.

3255. Is that pay charged to the police account?
Yes, and has been so for years; and a very valuable proceeding it is. My experience of the police makes me believe that they have been inclined to assist well intentioned criminals whenever they could assist them: of course when they know that a man is pursuing a course of crime, it is their business to follow him and look after him; the proposed arrangement would afford them every opportunity and facility for detecting him.

3256. *Chairman*.] I understand that your view would be, that on the first conviction the punishment should be short and sharp and as decisive as possible, and that as large an amount as possible of penal labour by means of the treadwheel should enter into it; but that on subsequent convictions the sentence should be considerably lengthened, and that where crime seems to become habitual and professional, there should be what you term civil disability and supervision by the police?
That is my very decided opinion.

3257. Duke of *Richmond*.] You stated, in answer to a question just now, that there would be no difficulty in exchanging those photographs between the different county gaols: would you mean that to apply to the whole of England. Take one gaol, for instance, in any particular county: would you mean that that gaol should exchange photographs of all its prisoners with every other gaol in England?
No; I would propose an exchange of photographs between prisons where there are large congregations of the criminal classes, such as Liverpool, &c., where there would be a great number of people in confinement.

3258. For instance, in Thetworth Gaol: what would you do there?
I should send a photograph to one or two of the surrounding gaols perhaps, and to the head of the police. I should not take any further steps, but would have the photographs ready in case of any reference being made; the very fact of establishing a correspondence between the different gaols would of itself give rise to photographs being sent very frequently.

3259. *Chairman*.] You would probably fix upon one or two of the principal gaols in different parts of England, which would serve as depôts where those photographs could be kept, and where they could be easily referred to?
Yes, and where the criminal classes would be likely to congregate.

3260. Are you aware that very often there is the strongest suspicion that a prisoner has been previously convicted, but, from want of the means to identify him, it is impossible to prove it?
Yes; and I think that that is fatal to the reduction of crime throughout the country, because it enables a man to escape with a very short sentence: that is an evil amongst others which pressingly requires to be amended.

3261. Have you ever considered, with regard to identifying prisoners, the expediency of affixing a mark after the first conviction?
Yes; but I should rather try the system I have proposed first, and see whether we could not make a sensible reduction in crime: because any mark, to be of use, would cling to a man for life, and would interfere with his prospects afterwards; I should be sorry to try it until we had exhausted every other means.

3262. Would you object to making an experiment of it, even after the first conviction for felony?
I should not like to make an experiment of it until I had tried my plan, and then, if that failed, I should not object; but I do not think it would fail.

3263. What is your opinion with regard to corporal punishment for offences against prison discipline?
I should wish to retain the power of corporal punishment, though I have not used it in the Irish convict prisons for the last three-and-a-half years; but the retention of the power I am sure is valuable. I do not, however, believe that it is as deterring as people generally suppose.

3264. Are there not some classes of offenders with whom no other punishment has any force or terror except that of corporal punishment?

I could not say so, because I have known many prisoners upon whom corporal punishment has had no effect whatever; I have subdued them by other means, such as by working them in chains, and reducing their food. In the convict prisons in Ireland we have what is called an idle class, for men who do not do their work properly, and get very little food in consequence; others, who are dangerous men, who would be perhaps deemed subjects for corporal punishment, but with regard to whom it has been found that corporal punishment has not answered; we work them in chains, and find that to be effective. At the same time, as I said before, there may be cases in which corporal punishment might succeed, and I should be very sorry to see it abolished.

3265. Do you believe that, under the present system, the inequality of sentences and difference of treatment in different gaols is a matter which is calculated upon by the prisoners?

I think it is, and it enters into their calculation so much as to influence them in deciding what district would present the best field for robbing; I am satisfied that an old criminal can tell the dietary of county and convict prisons, and anything else relating to them; I think it is a great element of consideration with them.

3266. Some prisons are feared, and others, on the contrary, are considered very indulgent in their system?

There is no question about it.

3267. Do you believe that offences are ever committed with the view of being committed to prison?

No, I have no general belief in that; I have often heard prisoners say so when they were brought up for trial, but I have no belief in their statement.

3268. Do you not believe that workhouse offences are sometimes committed in order to gain admittance to gaols?

They state so out of bravado before the judge, but I do not believe in it; prisoners have repeatedly told me that they have made those statements more out of bravado than anything else. By adopting what I have been suggesting, you would make an essential difference between the pauper and the criminal, because you would subject the confirmed criminal to a civil disability; there would always be a difficulty in keeping the diet of a prisoner under that of a pauper, because the pauper dietary is very low; but if we accompanied our prison treatment with civil disabilities and long sentences, we should cut away the ground of favourable comparison between the state of the criminal and the pauper.

3269. *Chairman.*] Do you believe that there is such an amount of demoralization in workhouses as tends to increase crime in the country, and augments the number of persons who are committed to prison?

I am sorry to say that I believe, in many cases, there is.

3270. Are you speaking of England or of Ireland, or of both?

I am speaking of both of them.

3271. You believe that the associated system in workhouses does directly contribute to fill the prisons?

I think so, indeed; but, with regard to the workhouses, both in England and in Ireland, there is very much to be said for those who have the management of them, because they have criminals there as well as paupers. When a criminal goes to the workhouse, they cannot refuse to receive him, and therefore he contaminates others, and creates a great deal of mischief; I have known many such cases in Ireland; I have seen convicts in workhouses in associated employment with the paupers, and of course that does a great deal of mischief; but we cannot entirely blame the workhouse authorities, because in many cases they have no proper means of classification.

3272. Can you suggest any remedy for that beyond classification?

Not beyond classification.

3273. Do you think that a classification might be adopted sufficiently simple and easy for that purpose?

I have no doubt of it.

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3274. That would be in your opinion very desirable?
Most desirable.

3275. And as regards the prisons themselves, you would wish to see greater uniformity in diet, and in the labour, and in the general treatment pursued in the prisons?
Yes, certainly.

3276. Is there any other point which you would wish to explain or suggest to the Committee?
There is one improvement which I should hope to find effected at an early day, namely, that criminals sentenced to above 12 months' imprisonment, should not be kept in the county prisons at all, but should be removed to the convict prisons; that after a 12 months' sentence, the next should be a very long sentence of penal servitude, to be carried out in the convict establishments.

3277. Supposing that the sentences, as regards county prisons, were reduced to one year, would you propose that the prisoner, after leaving a county prison, and being admitted to a Government convict prison, should enter upon a course of association, or that the strict separation of the county prisons should be continued in the Government prisons?
That the strict separation should be continued with them in the Government prisons.

3278. For how long?
The ordinary period is nine months.

3279. Therefore, I understand, from your answer, that a prisoner who is committed for two years, would have first of all, one year of separate confinement in the county prison, and then nine months of separate confinement in the Government prison?
I am afraid I have not made myself very clear; I mean that there should be no intermediate sentence between one year's imprisonment in the county prison and a long sentence of penal servitude in the convict prison; that the maximum sentence to the county prison should be 12 months, and the next sentence either six years or seven years' penal servitude; practically, there are very few sentences of two and three years imprisonment now.

3280. Lord *Wodehouse*.] You propose to abolish all sentences between a year and penal servitude?
Yes.

3281. What would be the lowest term of penal servitude to which you would sentence a prisoner?
My own desire would be seven years' penal servitude; but I must explain in mentioning that time, that seven years' penal servitude is now the substitute for the old sentence of seven years' transportation. Formerly we had two years' and three years' imprisonment as we have now, and then there was a jump to seven years' transportation. Seven years' penal servitude is now intended to take the place of seven years' transportation; and as we all know that a great portion of this period is remitted, and that in cases of good conduct it is only five years' and three months' imprisonment, I would have nothing intermediate between the seven years' penal servitude and the one year's imprisonment in the county gaol.

3282. Earl of *Romney*.] Practically, since the alteration of the law which has instituted the system of penal servitude, has not the practice rather been that three or four years' penal servitude has taken the place of what used to be seven years' transportation?
Unfortunately that has been the case, and that is why I wish to abolish those sentences, and to revert to the old practice of seven years.

3282. Duke of *Richmond*.] Have you ever considered what effect the daily chapel has upon the prisoner, whether it has that effect upon him which one would desire it to have, or whether from its being more or less of a routine nature, they disregard it as a part of religious duty?
My impression is that it attains very much of a routine character by having it every day.

3283. Would

3283. Would you think it advisable, then, to have it say twice on the Sunday, and twice during the week?

In the Convict Prison at Mountjoy, Dublin, we have Protestant service twice on Sunday and once during the week. The chaplain sees the prisoners in their cells at other times, but the public service is only as I have mentioned.

3284. *Chairman.*] Are you in favour of the separation of prisoner from prisoner in chapel during the period of separate confinement?

No; I think that the officers have not that control over them which they have when they can see them all.

3285. Your objection is a mechanical one?

Yes.

3286. Provided that you could contrive such a disposition of the prisoners as would bring them all within sight of the officers on duty, would you prefer to have them in separate stalls, rather than side by side and touching each other?

I believe there is very little use in the separate stalls; I removed them in Dublin for this reason; but it is a different reason from what would apply in county prisons. I thought it was useless to keep prisoners distinct from each other in chapel for nine months, when they would have to meet on the public works immediately afterwards; therefore the stalls were removed; I took masks away for the same reason, but I think perhaps that masks might be advantageously used in county prisons.

3287. Is not a mask very often a protection and an advantage to a well-dis posed prisoner, as preventing recognition on his leaving prison?

Yes, no doubt; but I think it has a deterrent effect upon the man himself.

3288. Do they dislike it?

Yes, there is no question about it.

3289. *Lord Steward.*] Would you administer instruction in the school-room separately?

In the Irish convict prisons it is administered in the school-room without any separation. I suppose in a county prison they would prefer doing the same to giving cellular instruction, but in county prisons I should prefer instruction in the cells. I should like to keep prisoners as distinct and separate as possible, especially those who are in prison for very short periods.

3290. *Chairman.*] Are you of opinion that the Discharged Prisoners' Aid Societies, which have been established in many parts of the country, are beneficial to prisoners on leaving prison?

Very much so. I am a member of the Discharged Prisoners' Aid Society in London, and have been so for very many years. I believe that these societies could be extended with the greatest advantage; but in cases where no Discharged Prisoners' Aid Societies exist, I should recommend, that whatever the men earn in the prisons, be paid through the police.

3291. Wherever the extra gratuities which you have spoken of do exist, you very much prefer their being paid through the police?

Yes, they might be very beneficially paid through them.

3292. Lord *Wodehouse.*] You would not pay to the men the whole of what they earn, would you?

No; I should fix a certain amount upon each article; and the more the prisoner worked, the more (within certain limits) he would receive. I am quite positive that the county would get back the gratuity, and more than that, in the extra work performed by the men.

3293. Earl *Cathcart.*] Are you aware of the Act of Parliament of last Session, which gives power to the visiting justices to give to a prisoner, on his discharge from prison, to the amount of 2*l.* from the county rates?

Yes, I am aware of it; but I imagine that they had the power before that period.

3294. Could you state to the Committee whether, in your opinion, there is any broad and general distinction to be drawn between the treatment of prisoners in the county prisons in Ireland and those in the county or borough prisons in England?

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No, I do not consider that there is; they are quite as various in their different modes of treatment as they are in England, both in their location, their dietary, and in their labour.

3295. The separate system in Ireland is supposed to lie at the root of prison discipline, just as much as it is in England?

Quite as much; and, I think those that have adopted it have experienced the best results from it.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to To-morrow, One o'clock.

Die Veneris, 24° Aprilis 1863.

LORDS PRESENT:

Duke of RICHMOND.	Earl of ROMNEY.
Marquess of SALISBURY.	Earl of DUCIE.
LORD STEWARD.	Earl of DUDLEY.
Earl of CARNARVON.	Lord WENSLEYDALE.

THE EARL OF CARNARVON in the Chair.

WILLIAM OAKLEY, Esquire, is called in, and examined as follows:

3296. *Chairman.*] YOU hold the appointment, I believe, of Governor of Taunton Gaol?
Yes.

3297. For how many years have you held that office?
Nearly 12 years, and for about the 10 previous years I held the appointment of chief of the Bath police, and superintendent of constabulary in Essex.

3298. During that time have you considered amongst other parts of prison discipline the question of dietary?
I have.

3299. And have you considered it specially with regard to the dietaries of workhouses?
Yes.

3300. You have prepared, have you not, returns showing the dietary in 50 county goals in England, and in 46 unions?
Yes.

3301. Will you be good enough to put in those returns, and state very briefly to the Committee what the general purport of them is?
I have taken simply the highest class of diet both in the county gaols and in the unions, and have tabulated them for one week, and the result is, that on the average of the 50 county gaols, 267 ounces of solid food, and 17 pints of liquid food, is given per week to the prisoners; and in the 46 union workhouses in Somerset, Devon, Dorset, Wilts, and two in Middlesex, the solid food given to adult paupers is 202 ounces, and 16 pints of liquid food.

3302. What is the difference therefore as against workhouses?
A difference of 65 ounces of solid, and one pint of liquid, between the food given to an able-bodied pauper and an able-bodied prisoner confined in a county prison over three months.

3303. Not including the aged and infirm in the workhouse wards?
No; I have all the returns showing that, but I have not tabulated these cases.

3304. I conclude that those gaols have not been picked with any particular motive, but have been taken generally?
I wrote to all the county gaols of England and Wales, and have tabulated all the answers that I have received, and the same with the unions.

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3305. Which are those gaols where the dietary stands highest?
Somerset and Huntingdon.

3306. Huntingdon stands at 333 ozs. of solid food, and 16 pints of liquid?
Yes; there was no other gaol, except Somerset, approaching that; in Somerset it is 291 ozs. of solid food, and 17 pints of liquid.

3307. Have you a return of the Bedford prison?
Yes; Bedford is 282 ozs. of solid food, and 17 pints of liquid.

3308. Marquess of *Salisbury*.] Can you state what it is in Hertfordshire?
The same as in Bedford, 282 ozs. of solid food, and 17 pints of liquid; in fact, it is what I believe is generally called the Government scale.

3309. *Chairman*.] From 280 to 285 ozs. seems to be the general proportion?
Yes; some gaols are less than that.

3310. Will you mention two or three of the lowest?
At Pembroke they give no meat at all; there they give 280 ozs. of bread, seven ozs. of butter, and 38 ½ pints of tea or gruel. The other lower gaols are northern gaols. In Northumberland they give 160 ozs. of solid food, and 17 pints of liquid. My attention was called to that subject most particularly in consequence of the great number of paupers from different unions being committed to gaol, and stating that they committed offences in the unions for the purpose of coming to get a better dietary at the gaol. I am now referring to unions in the county of Somerset, of which county gaol I am the governor.

3311. I observe in the list of workhouses, of which you have given the dietaries, that meat appears to exist in every case?
Yes.

3312. Are you aware that there are some workhouses in the country where no meat at all is allowed?
No, I am not.

3313. Are you aware, also, that in many cases the meat consists solely of so much bacon?
Yes, I am.

3314. I conclude, on the other hand, that in all the gaols, as far as you are acquainted with them, when meat is specified as one of the items of the dietary, it is something beyond bacon?
Yes; always beef or mutton; generally beef without bone.

3315. So that there would be a difference in favour of the gaols, not only as respects the quantity, but also as respects the quality of the food?
Yes, certainly; it is a very common complaint made by paupers coming to the gaol from unions that they have suet puddings which have become musty, and that the food generally is bad, and not so good as supplied in the gaols; of course the statement of those paupers must be taken with a great deal of reserve, but it is repeated so often from some unions, that one is almost compelled to believe the statement is true. Shortly before I took the appointment of governor of the gaol, a boy from one union actually threw himself under the treadwheel, and was killed; he had stated previously that he would not go back to the union, and that he would do something to avoid going back.

3316. Duke of *Richmond*.] And therefore he committed suicide?
Yes. In another case, which came under my own notice, four boys were tried at the county sessions at Bridgewater for stealing food, and there was, I believe, no doubt that at the union the meat had been improperly appropriated by the union officers on the Board days, so that the paupers really got nothing but water and onions, instead of having meat, in their soup.

3317. Did that come out in evidence?
It did.

3318. Were the four boys you mentioned convicted?
Yes, they were convicted of stealing; and there was no question that they did steal. One was admitted as evidence, and the three others were sentenced to one month and four days at Wilton, now called Taunton Gaol, and two of them were whipped.

3319. But

3319. But you stated, did you not, that the male officers in the union had appropriated the food?

They had, and they were all discharged afterwards; but there had been repeated complaints from the same union. This happened some years ago; but up to no longer ago than last week a man was discharged from the gaol, having come into the gaol with the itch; he stated that he had applied for medical treatment at the union, and had not received it; he was so bad with it in the gaol, that he was obliged to be kept in bed, and treated for it the whole of the time that he was in the gaol; whether his statements were true or not it was impossible to tell, but he said that he had committed an offence in the union for the purpose of coming to the gaol to get medical treatment in the gaol, and better food.

3320. *Chairman.*] Has it, in fact, been frequently represented to you by prisoners, that they have committed an offence in the workhouse, in order to obtain admission to the gaol?

Yes, repeatedly; not only to me, but to the visiting justices as well.

3321. Do you entertain any doubt as to the truth of such statement?

None.

3322. Looking at the accommodation which is given to prisoners, the cells, the clothing, and the bedding, do you believe that it is very superior accommodation to that which they would receive in the workhouse?

I do; at least it is so in those prisons which have come under my own observation. There is, of course, a difference in prisoners being kept in separate confinement; I believe that that is thought a severe punishment by most prisoners.

3323. Is what you have stated with regard to the accommodation in union workhouses within your own knowledge?

I am speaking within my own knowledge. Some unions are very much better than others; but having gone over many unions, I believe that, taking the bedding, and clothing, and food, the prisoners are very much better treated than the paupers in the unions, the punishment to prisoners being the separate confinement.

3324. Is there hard labour in the gaol at Taunton?

There is.

3325. What are the means by which hard labour is imposed?

The treadwheel in a few cases, and stone breaking, and various industrial trades; flax dressing, weaving, mat-making, tailoring, and shoemaking.

3326. *Lord Steward.*] You do not call such employment hard labour, do you?

It is given as hard labour, the treadwheel being used only in exceptional cases. I am not aware of any provision under which a prisoner sentenced to hard labour is required to be placed on the treadwheel.

3327. *Chairman.*] What labour do you inflict upon idle or refractory paupers or vagrants, a class of men who are very much to be found in gaols?

Generally stone breaking. There may be cases in which a prisoner does not conduct himself well in the gaol, or has been several times convicted, and he would be put upon the treadwheel, the treadwheel being only used for such exceptional cases.

3328. *Lord Steward.*] If a prisoner is sentenced to a term of imprisonment with hard labour, do you think that you are carrying that sentence into effect by employing him in what you term industrial employments?

It has been so considered by the visiting justices and magistrates of the county, that being the arrangement made for labour.

3329. Is it your opinion that mat-making and so forth do amount to hard labour?

Yes; but I do not consider that it is sufficient hard labour, inasmuch as they are not kept a sufficient number of hours at that labour. I believe that the industrial labour is very beneficial indeed, and the reason why I venture to state

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so is, that in a return which I prepared the year before last the number of re-committals, where only stone breaking, oakum picking, and treadwheel labour had been used during five years, was very much more than during five years in which industrial labour had been introduced to a limited extent. The five years of oakum picking and treadwheel labour were from 1852 to 1856, and the average number of prisoners received during those five years was 740, and the number of re-committals 227. The five years of useful employment to a limited extent were 1857 to 1861, during which time the number of prisoners was 623, and the number of re-committals only 145.

3330. Earl of *Romney.*] You stated that there are exceptional cases in which you use the treadwheel; in respect to what are those exceptions made?

Repeated misconduct in the gaol, and refusing to do industrial employment properly, and negligence in industrial work; in such cases I find the treadwheel most beneficial.

3331. Are the Committee to understand that is not ever given as carrying out the original sentence, but as a punishment for misconduct in gaol?

Yes; or refusing to work properly. It is not given as obligatory to carry out a sentence. It has been in use more of late, in consequence of 100 prisoners from the county of Middlesex from Coldbath Fields being at Taunton. During the six months that those prisoners have been there, the treadwheel has been extensively resorted to; but as regards the great number of prisoners, they do the industrial labour very well, although my belief is, that they have not, by any means, a sufficient amount of labour. They are not a sufficient number of hours at work, nor do they work sufficiently hard; partly in consequence of the arrangements of the gaol as regards the officers' duties and the necessity of taking of them to school, one of the rules of the gaol being, that they should go to school, notwithstanding that it may interfere with the hours of labour.

3332. Earl of *Ducie.*] What is given in many gaols as ordinary hard labour is reserved in your prison as a punishment for prison offences?

Yes, and exceptional cases. I believe that in most gaols the treadwheels are not sufficiently extensive to work all the prisoners at any one time under sentence of hard labour.

3333. *Lord Steward.*] Do you attribute the diminished number of re-committals in the second period that you have mentioned to reforming, or to the deterrent effect produced by industrial employment in lieu of labour on the treadwheel?

To both, with separate confinement. I think that a prisoner, having been compelled to work hard when his term of imprisonment is up, calculates the chances, between work and thieving, and he finds that work is not quite so hard as he might have thought it before, and he is disposed to work if he possibly can; whereas, in the case of prisoners working on the treadwheel only, I believe that, after a time, they become used to it, and it is not deterring, and they become hardened and revengeful under the treadwheel, when kept entirely to it.

3334. Is your treadwheel applied to any productive purpose?

It is now only applied to pumping water; formerly it was used for grinding corn; but it was such a great loss to the county from its being used for grinding corn, that it was discontinued for sometime; it is now used for pumping water for the supply of part of the prison.

3335. Lord *Wensleydale.*] Why was the grinding of corn at Taunton Gaol given up?

Because it was found to be a great loss to the county; for instance, 24 men would only grind one bushel of corn in an hour by the treadwheel, for which only 4*d.* would be received, so that grinding corn would not, by any means, pay the wages of the guard employed as a miller.

3336. Marquess of *Salisbury.*] Was not that the fault of the mill; could not they have made the mill go much more rapidly if they had chosen?

No; the treadwheel is restricted to a certain number of revolutions in an hour. I found at Coldbath Fields Prison, which I visited a little while ago, that about the same was the case; not more than one bushel of corn was ground on the average by 24 men in an hour.

3337. That is the fault of the machinery, is it not?
Yes, to some extent. I have recommended to the visiting magistrates of Taunton Gaol the adoption of treadwheel labour as applied to the machinery for flax dressing, which, I believe, would be extremely useful, by using multiplying wheels, and then, I believe, that the treadwheel might be made to pay.

3338. *Chairman.*] Is there any reason why the treadwheel should not be employed for productive labour?
I think not; I recommend that in Somerset it should be applied to flax dressing.

3339. *Lord Steward.*] Irrespective of the question of expense, you prefer industrial employment to the treadwheel as a means of enforcing hard labour?
Yes, I do, excepting in certain cases. With many prisoners I have found that keeping them to work at industrial labour induces them to take to work after they are discharged from gaol; whereas the treadwheel tends rather to harden them, without, after they have been on the wheel for some time, punishing them to so great an extent as is desirable, and they have not been taught in any way to earn their own livelihood when their time is up.

3340. Earl of *Romney.*] If they have a mode of obtaining their livelihood before they come in, they may return to it, may they not?
It is in those cases where men have led an idle life, many of them being professional thieves who have never learned to work at all, that I think the advantage of teaching them to work is so great. It is very difficult for prisoners on discharge from gaol to obtain work. I believe that establishments should be provided, where prisoners inclined to work, might be sent at the expiration of imprisonment for a first offence.

3341. *Lord Steward.*] Your object is to reform rather than to deter, is it not?
I wish to do both; I wish, by keeping them to hard work, and making the work as hard as it is possible to do, to give them habits of labour, which I believe will both deter from crime, and induce them to work when their period of imprisonment is expired.

3342. Duke of *Richmond.*] Are the Committee to understand you to state that the hard work which you think induces a prisoner to become an industrious man when he goes out of prison is mat-making?
Any industrial labour, such as tailoring, shoemaking, mat-making, and flax dressing. I have recommended flax dressing particularly for Somerset, because flax is grown to such an extent in the county, that it would interfere less with free labour than any other occupation. Flax dressing under the plan that I propose would be as hard labour as could well be devised next to the treadwheel; the treadwheel is very hard work for a certain time for men that have not been used to it, but after a while they become used to it, and I think they do not care much for it.

3343. I understand you to say that you have conversed with a vast number of paupers who come in for workhouse offences, and the result of that conversation led you to believe that they prefer coming to the gaol to remaining in the workhouse?
Yes; that statement has been repeated by many paupers, not only to myself, but to the visiting justices.

3344. What is the general length of sentence which the paupers you have been speaking of have been sentenced to?
Various periods. I have only taken account of the number, and not of the average period of imprisonment: perhaps the average would be three months.

3345. Could you state what the offences are?
In the cases to which I refer they have been chiefly sent to prison after repeated offences in the union, such as breaking windows, tearing up clothes, and offences of that kind.

3346. Would not the average sentence for such offences be three weeks rather than three months?
My answer applied more particularly to those cases in which prisoners had made complaint of the bad diet in the union. They were generally persons who had repeatedly committed the offence for which they had been sometimes sent to

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prison four or five times; in those cases, I think, the average might amount to three months; but in cases where the offence had not been repeatedly committed, they would probably be sent to prison, some for one week, some for three weeks, as the case might be.

3347. Do you think that if those paupers were sent to gaol for workhouse offences, and were worked hard upon the treadwheel, they would be as willing to come back to gaol as you state you have found them?

I think that many of them would not care to come back. At one time a greater number of prisoners in Taunton Gaol were put upon the treadwheel, and the evidence of the fewer committals has been since the treadwheel was discontinued.

3348. Then do the Committee understand you to state that since the treadwheel has been discontinued, the paupers have disliked coming to gaol more than before?

I am not speaking of the paupers in that case.

3349. My question now solely relates to paupers; to that class of persons who, you state, prefer coming to gaol to remaining in the workhouse; are you of opinion that they would be as willing to come into the gaol if, when they did come to gaol, they were worked hard upon the treadwheel?

I believe that the putting them on the treadwheel would make very little difference indeed. Any able-bodied man, if certified by the surgeon as fit to work upon the treadwheel, can be put upon the treadwheel; but those men who are no doubt the most idle of all, care but little for the treadwheel; that is my experience.

3350. *Lord Steward.*] Have you ascertained, as a fact, that many prisoners who have been discharged from Taunton Gaol since the discontinuance of what may be properly called hard labour, have, in fact, become industrious labourers?

Yes.

3351. Do you know that of your own knowledge?

Yes; but your Lordship's question would lead to the supposition that the treadwheel is entirely discontinued; whereas it is not so; the treadwheel is still in use to a limited extent.

3352. Duke of *Richmond.*] Are the Committee to gather from your evidence, more especially now as regards the class of paupers of whom we have now been speaking, that industrial labour has a more deterring effect upon them, than hard labour upon the treadwheel?

That is my opinion.

3353. Upon paupers and upon vagrants?

Yes, upon vagrants certainly. I mean that it deters them from coming to gaol; with regard to the fear of it, I do not think they fear either the treadwheel or industrial labour.

3354. Lord *Wensleydale.*] Do they get employment elsewhere?

Yes, they get employment when their time is up, if they possibly can.

3355. Duke of *Richmond.*] In fact, they would rather work upon the treadwheel than make mats?

No, I do not say that.

3356. That was the result of your former answer, because you gave us two periods, in one of which hard labour on the treadwheel was in existence, during which time you stated that there were more recommittals than during the period when industrial labour was in operation; therefore, the deduction to be drawn from that would seem to be, that they preferred the treadwheel to mat making?

It would be difficult for me to say that they would prefer working to the treadwheel. I think that if they were kept entirely to the treadwheel the whole of the period they were in gaol, that would have a less deterring and less beneficial effect than if they were put to mat making, for instance, or any industrial labour with the treadwheel to resort to, provided they did not do that work properly.

3357. *Chairman.*]

3357. *Chairman.*] Is it your opinion, with regard to your last answer to the noble Duke, that the class of men from whom vagrants come, and who are sent from unions for workhouse offences over and over again, are a class of men who may benefit by any industrial occupation, and are trained into becoming honest and respectable men?

In some cases I have found that they are; not in many cases, certainly, but in some.

3358. Do you not believe that as a class they are positively the most incorrigible persons with whom you have to deal?

Yes.

3359. And therefore that those who are benefited are very rare exceptions?

Yes.

3360. Would you still, in spite of that fact, hold to the opinion that industrial occupation was the most deterring punishment that you could inflict upon those men?

Yes; keeping the treadwheel to resort to in cases where they did not do their industrial work properly. I started, I think, by saying that I did not believe that any prisoners were kept sufficiently hard at industrial employment, and that the number of hours they were at work was not sufficiently long.

3361. How many hours are they at industrial occupation?

About nine hours and a half.

3362. What additional time would you recommend?

One hour and a-half, or altogether eleven, and with the power to compel them to do a sufficient amount of work.

3363. Are you not aware that the Act of Parliament limits the number of hours of work to ten?

Yes, unfortunately that is so; and it also gives power to take out of that ten hours a certain amount of time for school.

3364. But do you apply school instruction to vagrants and paupers who are committed to prison for a week or a fortnight?

If they apply for it under the gaol rules, they are bound to be allowed to go to school, notwithstanding that it may interfere with the labour. Under the rules for the guidance of the governor of the Somerset County Gaol, it is provided that he shall see that all prisoners, including those sentenced to hard labour, have such an amount of time allowed to them for the instruction as the chaplain may think proper, whether such instruction withdraws them from their labour for a time or not.

3365. But that makes the instruction dependent, does it not, upon the chaplain, and not upon the prisoner?

Yes; but generally where a prisoner applies to go to school, the chaplain recommends it.

3366. Would the chaplain be likely to agree to the request of a prisoner if the prisoner were simply committed for seven days?

I think not.

3367. Therefore, that rule would not interfere with your keeping prisoners at work for the full ten hours allowed by the Act of Parliament?

No.

3368. *Lord Steward.*] Do you think that the scale of dietary in Taunton Gaol is too high?

Yes; it is higher than almost every other gaol in the Kingdom.

3369. Setting aside the cases of invalids, have you considered what the scale of diet ought to be for adult prisoners?

In a report to the visiting justices last November, I ventured to recommend three or four gaols principally in the North of England as the best from which the scale of diet should be adopted: on reference, I find those gaols were Cumberland, Derby, Sussex and Westmoreland. I thought that the dietaries of those

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gaols were the best from which one should be founded for the county gaol of Somerset, and the visiting magistrates, in a report to the Secretary of State, expressed their opinion that the dietary of Taunton Gaol should be altered, particularly mentioning one point, namely, that convicted prisoners should be kept for the first week on bread and water.

3370. Duke of *Richmond.*] What Sussex Gaol do you allude to?
Lewes. They do not appear to give any meat at all in Lewes Gaol.

3371. *Lord Steward.*] Have you generally found a reduction in the quantity of food to be an effectual punishment?
Yes; I have ventured also to report to the visiting justices my belief that a low diet ought to form one of the principal ingredients in the punishment of prisoners.

3372. Do you consider that you would be justified in discharging prisoners in a lower state of health than that in which they were when they were admitted?
No; but my belief is that they are much better fed in most gaols than they could possibly be out of gaol.

3373. *Chairman.*] Have you any other suggestion which you wish to make to the Committee?
Perhaps your Lordships will allow me to solicit attention to one point, to which I have called the attention of the visiting justices at Taunton, and that is as to the necessity of work for debtors committed for fraud or disobedience of orders of court. There is no power to put county court debtors, or debtors committed for fraud, to work, and they are consequently in the gaols sometimes a long period, and put to the worst possible purpose, namely, idleness during the whole time that they are there.

3374. Marquess of *Salisbury.*] Have they not the option of working?
Yes; but I never knew one to ask for it. It has struck me for years that an alteration was desirable, and I reported upon it in 1854.

3375. *Lord Steward.*] Do such persons associate with each other, or with the prisoners in gaol, or are they kept in separate confinement?
The prisoners are in wards, first, second and third class wards, the county court debtors and fraudulent debtors being in the third class ward, and they are there from a period of from 10 to 42 days, doing nothing the whole time, and coming in repeatedly for the same cause. If the debt is not paid, they are committed for contempt of court, and the debt is not extinguished by their committal.

3376. Are they allowed to associate with the other prisoners?
With the other prisoners of the same class, not with the ordinary prisoners; they are not in separate confinement; they are walking about in the yards the whole time with their hands in their pockets, and generally doing nothing from the time they enter to the time they go out of gaol.

3377. Earl of *Romney.*] Do they maintain themselves?
No; they are maintained at the expense of the rate-payers of the county. I ventured to call the attention of several noble Lords to the subject at the time the Lord Chancellor's Bill for the Amendment of the Bankruptcy Laws was before the House, but I fear I was too late; I suggested that power should be given to the County Court Judge to say whether such prisoners should be put to labour or not.

3378. You mean with regard to those persons coming in, perpetually committing frauds against their creditors, and just escaping coming within the criminal law?
Just so.

3379. Lord *Wensleydale.*] Do you think it reasonable that debtors who do not pay their own expenses and are fed upon the food supplied by the county should make some compensation for it by their industrial labour, so as to produce some advantage to the county from their labour?
Yes; and I would venture to take higher ground also, that a man being for a long period in gaol and in idleness, must of necessity become a worse member of society, and that he certainly ought to be made to support himself.

3380. But

3380. But you have no right to treat him as a criminal, have you?
Certainly not.

3381. *Lord Steward.*] How many hours are the prisoners in Taunton Gaol allowed to remain in bed?
From 8 o'clock at night till 6 o'clock in the morning—ten hours.

3382. Do they sleep in hammocks or in beds?
Seventy-two of them sleep in hammocks, and the remainder on mattresses stuffed with straw on bed boards, in the new corridor of the gaol.

3383. They are not allowed to unsling their hammocks, or spread their mattresses before that hour, are they?
Not till a short time before 8 o'clock.

3384. And then are all the lights turned off?
Yes, all the lights are turned off at 8 o'clock.

3385. Is not the allowance of 10 hours' sleep very long?
It is the full period, but there is no remedy for it. Under the existing Acts of Parliament there is no power to keep a prisoner at work more than ten hours. I may perhaps be allowed to mention what the dietary in Taunton Gaol in 1840 was; all prisoners were then kept on 1 pint of oatmeal gruel, containing 2 ozs. of oatmeal, 1 lb. of bread, and 1½ lb. of potatoes for six days in the week, and on the Sundays 1 pint of oatmeal gruel, 1 lb. of bread, 1 lb. of potatoes, and 6 ozs. of uncooked meat. I am desirous also of soliciting attention to a recommendation of mine in 1853, which further experience has confirmed my opinion as to the necessity of.

Extract from Pamphlet, published 1853.

"Employment should be provided or a refuge established for prisoners who, on their discharge from gaol, are willing to work. This seems to have been contemplated by 4 Geo. 4, c. 64, s. 39, which states, 'Prisoners discharged from prison should be supplied with the means of returning to their families, or to some place of employment, where they may be engaged in a life of honest labour for their maintenance, and prevented from pursuing evil courses.' In many instances where employment has been obtained for prisoners on their discharge from gaol they have afterwards done well; and at least 15 out of every 20 prisoners committed for second offences, are believed to have been guilty of them because, having been once convicted, the hope of getting honest employment for the future is gone. They have no opportunity to regain their characters, or avoid starvation. There is no provision for ordinary labour in union houses, and able-bodied men, willing to work, will not go to them.

"A very small contribution from county rates to an establishment that would soon probably be self-supporting, might prevent much crime, and save large sums now expended in prosecuting and punishing offenders."

The Witness is directed to withdraw.

WILLIAM GOLDEN LUMLEY, Esquire, is called in, and examined as follows:

3386. *Chairman.*] YOU hold the office, I believe, of Legal Secretary to the Poor Law Board?
I am one of the Assistant Secretaries to the Poor Law Board.

3387. You are a barrister, are you not?
I am.

3388. The Poor Law Board exercise, within certain limits, a control over the dietary of the different unions, do they not?
Yes; it is one of the express provisions of the Poor Law Amendment Act that the dietaries of the inmates of workhouses should be under the control of the Poor Law Commissioners, and that control therefore they have always exercised.

3389. How long have you been at the Poor Law Board?
Since 1839.

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3390. Therefore you are perfectly conversant with the practice of the Board in all those matters for many years past?
I am so.

3391. I believe, some time since, six tables or bases of dietary were laid down by the Poor Law Board for the adoption of the different unions in the country?
I had better state the matter a little in detail. At the commencement of the Commission, as far back as 1835, when the unions were formed, and during the establishment of them, the Poor Law Commissioners collected together all the dietaries in use in the workhouses in the different parts of the kingdom, and had them compared together; they selected from the returns as many as six different scales of dietary prevailing in the different divisions of the country, and framed a circular letter setting out all those scales. As the unions were formed, this letter was sent to the Boards of Guardians, with a recommendation that they should select from the series of scales one of them which would be most suitable for the workhouse in that particular district and that particular union. The guardians acted accordingly, selected that which seemed most suitable, and returned it to the Poor Law Commissioners, and for the most part the scale so sent to the Commissioners was adopted by them, and introduced into a formal order binding the guardians to use it for the future. That course was pursued until almost all the unions were formed, and all the workhouses established. From time to time, after the formation of the unions, the guardians occasionally found that the dietary in use required alteration, and in some respects, and in most cases, required some increase. The recommendations and suggestions of the guardians were duly attended to, usually after some communication with the Assistant Commissioner in charge of the district, and sometimes with the medical officer of the workhouse; but the changes proceeded upon the experience mainly of the guardians, as they had found the dietary work in their union. That course was pursued until the year 1850, when Lord Fortescue, the Parliamentary Secretary, suggested that it would be convenient to obtain the advice of some eminent physiologist who would advise as to the proper mode of dealing with the subject, and Dr. Lyon Playfair was then consulted on the part of the Poor Law Board. He gave information and details as to the constituent parts and chemical properties of the different substances used in the dietaries of the unions from which tables were formed: and from that time all changes in dietaries have been tested by a reference to those results and those tables. The experience of the Board therefore is mixed up with the scientific information received from this high authority, and all changes have been thenceforth subjected to a considerable amount of scrutiny. But they are taking place from day to day according to the conditions of the unions and the circumstances of the paupers who are admitted into their workhouses.

3392. Was there a large variation in the six formulæ or tables that were originally laid down?
I think there is some variation in them; I may observe that this letter and the tables will be found printed in the second volume of the Reports of the Poor Law Commissioners, published in 1835 or 1836. The scales vary certainly in some respects, because they were taken from different parts of the country, and the food of the labouring classes varies very considerably in different parts of the country.

3393. Will you be good enough to put in that table?
Yes; I will put in this letter, which will give the different scales—(*delivering in the same.* Vide *Appendix*).

3394. Were the modifications which were made by the local authorities on those six different cases very various and very extensive?
Many of the dietaries remain almost unaltered to the present day; but by far the greater portion have been altered, and, I believe I may say, the alteration invariably has been an increase, more or less, but still an increase in the quantities of food supplied to the inmates.

3395. Has it been mainly an increasing quantity, or has it been an increase in quality?

In

In both respects; sometimes the nature of the food has been altered, and sometimes the quantities increased.

3396. Has meat become a more important element of diet than it used to be?
Taking the whole of the dietaries which have been modified, certainly that has been the case; there has been more meat introduced into the dietaries since the first institution of the dietary tables.

3397. In the case of many unions, is not bacon the only representative of the element of meat?
Bacon is undoubtedly one of the ingredients of the food in some unions, but "cooked meat" is the general term introduced into almost all the dietaries; it is not confined to bacon.

3398. Do you believe that in the majority of unions under the head of "meat" would be included beef and mutton?
Yes, certainly; in the greater number of unions the pauper inmates would have beef or mutton; undoubtedly, very often there would be bacon, but it would be beef or mutton for the most part.

3399. You believe that those instances in which bacon is the only representative of meat are very rare?
Yes, certainly; bacon as the only portion of meat in the dietary would be quite a rarity.

3400. Would you feel it your duty in such a case to point out to the guardians that the mere allowance of bacon, without any other form of meat, would be insufficient?
I can hardly say that the Poor Law Board would insist upon that, because the question must depend upon the nature of the food used among the independent labouring classes in the particular neighbourhood. Where the labouring classes of the neighbourhood live only upon bacon, it would be wrong to insist upon a different food for the inmates of the workhouse.

3401. Do the dietary tables of all the different unions pass in review before you at least once in the year?
No.

3402. What means have you of knowing whether it is the practice, or it is not the practice, in particular parts of the country, to give bacon alone, or to give bacon in conjunction with other meat?
We have no special means of knowing that, unless some matter turns up in regard to some particular union. If the guardians are satisfied with the dietary as it is fixed and settled in their union, the dietary table would remain unaltered for years, and that has been the case in many unions; but if it be found, by the experience of the medical officer of the workhouse, that the health of the inmates requires a change in the dietary, that medical officer would bring the matter under the notice of the Board of Guardians, and they would consider it, arrange for some alteration to be made, and suggest an alteration to the Poor Law Board; and then the Poor Law Board would enter into an inquiry upon the subject, either through their inspector or through the guardians themselves.

3403. Duke of *Richmond.*] Could bacon be substituted for meat entirely in any union without the Poor Law Board knowing it?
No; it ought not to be. I am assuming that people are not doing things which are grossly illegal. One of the provisions of the Poor Law Board's Order is that the dietary table should be hung up in three or four different parts of the workhouse, and, therefore, the pauper inmates can see what the dietary is which they ought to have, and what the food ought to be. Again, the inspector of the district has to inspect the workhouses once or twice every year, and it would be his duty to see to the food; and one of the questions which he has to answer is, that the regulations prescribed by the diet and other orders of the Poor Law Board are carried out into due execution. Therefore, the inspector has to see that this matter is duly attended to. It is not very likely that a change would take place in the dietary without the Poor Law Board being somehow informed of it. Then, again, there is this additional control over the matter: all the provi-

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sions consumed in the workhouse must appear in the books kept by the master of the workhouse, and he must submit them to the auditor; and the auditor will see whether the food has been supplied to the inmates according to the dietary table.

3404. Marquess of *Salisbury.*] Bacon is generally dearer than beef or mutton, is it not?

Yes, I think so. It depends very much upon the contracts of the guardians, and upon the part of the country in which the workhouse is situate; but I should think that in some parts of the country, bacon would be dearer than the beef that is used in the workhouse.

3405. The dietaries require a certain weight of meat, do they not?

Yes, certainly.

3406. It is not very likely, therefore, that the guardians should adhere strictly to bacon, when it was the dearest meat under all circumstances?

No; it would be a departure from the order.

3407. But if the weight is the same, and bacon is dearer, there is no profit derived from the use of bacon?

Certainly not.

3408. *Chairman.*] I understand from your evidence that the diet varies very much with the food of the inhabitants of the locality?

Yes.

3409. Could you deliver in to the Committee any returns, or could you give them any dietary tables which might be accepted as fair specimens, representing the amount of food given in the different workhouses in different large districts of England?

I can place before your Lordships a copy of 12 orders, taken from different parts of the kingdom; for instance, the dietary of Berkshire, Cornwall, Cumberland, Denbighshire, Glamorganshire, Gloucestershire, Kent, Lancashire, Lincolnshire, Northumberland, and Staffordshire, besides that of three metropolitan parishes.

3410. May those dietaries be accepted as fair average specimens, neither expressing the maximum nor the minimum of the diet in those different counties?

I think they show very properly the average dietaries of those counties from which they are taken, and, of course, the surrounding districts in the neighbourhood of the unions. I have the dietaries themselves here and the orders issued. Those which I propose to put in are the dietaries now in force, and some which have been lately issued. I have also obtained information as to the dietary originally issued in two or three cases, and a comparison may be shown of the difference which prevails between the first and that which exists at the present moment.

3411. *Lord Steward.*] Is there not a considerable difference, either in the quantity or in the quality, between the highest and the lowest of the existing scales?

Yes, certainly; because a dietary which would be suitable to an agricultural labourer in Hampshire would be very inappropriate for a London union, and very unsuitable for a dietary in respect of paupers from Lancashire.

3412. Are you speaking now of quantity or quality?

Of both; there is more meat in the Metropolitan and the Lancashire dietaries than there would be in the Kentish or in the Hampshire dietaries.

3413. *Chairman.*] Do you think there is any reason why a metropolitan pauper should receive a greater quantity of food than a Hampshire labourer?

I do not know that the result will prove that he receives more food; there is a difference in the kind of food; I am not prepared to say that there is more or less nutriment in either one or the other. It would probably be advisable that some complete analysis should be made of the chemical results of the dietaries in the two classes of cases.

3414. *Lord Steward.*]

3414. *Lord Steward.*] Was not such an analysis made by Dr. Lyon Playfair?
No; the mode of ascertaining in each particular case, with certainty, the chemical results was obtained through the suggestions and calculations of Dr. Lyon Playfair, and, of course, we can apply to any specific dietary the scales and the rule resulting from them.

3415. *Chairman.*] Can you state to the Committee what the fundamental principle of Dr. Lyon Playfair's dietary was; did it regard meat as a main principle?
No. Dr. Lyon Playfair gave the results of the different kinds of food used in the pauper dietaries, and thereupon, having obtained those results, the dietaries of the different unions in the different counties were analysed with reference to them. The average results were obtained in respect of all the different unions in the different counties; and from that time forth, in the case of any union that wishes to have either a new dietary or a modified dietary, that average result is applied to the new proposal; and if it is found that the guardians' proposal will come up to that average, or will exceed it, the Poor Law Board, for the most part, are prepared to adopt the modification.

3416. *Lord Steward.*] The point from which you start is, that a certain quantity of nutriment is necessary for each individual?
We cannot tell how much nutriment will be wanted for each individual. It is presumed that the experience of the guardians has ascertained, that for the inmates of their workhouse the dietary scale upon which they have acted for a long series of years is sufficient; that is the presumption. Then the medical officer shows that either the kind of food is not sufficient, or that it is desirable, for some reason or other, mostly for the benefit of the inmates, that there should be some change. The proposed change is then investigated, and subjected to the scrutiny of this table.

3417. Marquess of *Salisbury.*] Is this table the minimum that you would adopt?
No; there is no table prescribed by Dr. Lyon Playfair as to what should be given to any particular pauper or any set of paupers; all that he has given is this: that taking all the different ingredients, and the subject-matters of the food used in the workhouses, the chemical properties, when analysed, will give such and such results. Therefore, when a proposed dietary is submitted comprising any of those substances, the table of Dr. Playfair is applied to the proposal on the part of the guardians.

3418. *Chairman.*] I understand, consequently, that the result of Dr. Playfair's analysis was to give you a certain standard, or test, by which you would measure the dietary of every union?
It is so.

3419. What is the principal element in that standard, or test table, of Dr. Lyon Playfair's?
All the articles are in the table.

3420. Is it reduced to chemical elements?
Yes. For instance, as a general illustration, he gives a table, from which it is ascertained that bacon contains a certain proportion or quantity of nitrogenous ingredients; it also contains a certain quantity of substances freer from nitrogen: the table also shows the quantity of mineral matter, and also the quantity of carbon, which latter ingredient is not much attended to. But the important subject for the consideration of the Poor Law Board is the nitrogenous ingredient, and the proportion of that ingredient, in the table submitted to the Poor Law Board by the guardians, is the matter upon which the main attention is exercised.

3421. *Lord Steward.*] Is it not the fact, as a general rule, that every individual requires a certain amount of nutriment; say, that if you give less meat you must give more milk, or more bread, or some substance containing an equal quantity of nutriment?
I do not know that we can apply that rule exactly to the inmates of a workhouse collectively in any particular locality.

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3422. Does not every man, every woman, and every child, upon the average, require a certain amount of nutriment?

Yes; upon the average it is so.

3423. Then, if you have a certain number of inmates in a workhouse, there must be a certain amount of nutriment administered to them; and I ask you whether it is not necessary, if you give less meat, or less of any one article of food, that you must give a proportionate increase of some other article of food? For instance, if you give less meat, you must give more bread?

Yes, certainly; the necessary amount of nutriment for the sustenance of the inmates must be supplied either from meat or farinaceous substances.

3424. *Chairman.*] Will you be good enough to put in Dr. Lyon Playfair's scheme?

It is scarcely in a form which would be useful to the Committee, although it is available for the purposes of the Poor Law Office, and for purposes of comparison, but it is not prepared in a shape to be put forward as a report upon the subject from Dr. Lyon Playfair; it consists rather of heads or memoranda for their guidance.

3425. Would it be possible for the Committee to understand, from what you have put in, what the average quantity of food in the workhouses may be?

I will read one of those orders which are sent with the dietary: "Ordered, that the paupers received and maintained in the workhouse of the union shall, during the period of their residence therein, be fed, dieted, and maintained with the food, and in the manner described, as follows." Then comes the table. The one that I have before me is for men and women, and it prescribes what the dietary shall be for the different days of the week, and the quantities that shall be given for breakfast, for dinner, and for supper, under different heads, according to the subject-matter of the food.

3426. Marquess of *Salisbury.*] Does not Dr. Playfair tell you how many ounces of each class of food are required?

No; all that he told us was what would be the component parts, chemically, of any particular species of food. He told us, for instance, that bread would contain so much nitrogenous and so much non-nitrogenous substance.

3427. *Lord Steward.*] Do you think that what you call the improved dietary has had any sensible effect upon the health of the inmates of the workhouses throughout the kingdom?

I can hardly answer that question precisely; for the great proportion of the inmates of workhouses, in the larger portion of the country, consists of aged and infirm people. I do not think that the average of life is much increased, but certainly the average of life has in no way diminished, since they have been in the union workhouses.

3428. You stated, did you not, that since the taking of the analysis of Dr. Playfair, you have increased the dietary?

In any cases where there has been an application for a new dietary since that time, the tendency has been to increase the amount of food. I should put it more correctly that the tendency has been more to increase the amount of animal food, but I can hardly answer the question as to the effect upon the health of the inmates.

3429. *Chairman.*] Are you at all conversant with the general dietary sanctioned in the different county and borough prisons?

No; I am not acquainted with it.

3430. It would be impossible therefore for you to state whether the average dietary of the workhouses be above or below the average dietary of prisons?

We do not know that; we are guided mainly in the Poor Law Board by the test of experience. The union workhouses have now been in existence for 25 or 30 years (that is, the greater proportion of them), and they have a dietary table in all; and in the main, though I admit that modifications have taken place in certain unions, the modifications are not very great; we have no reason to believe that the proportionate or comparative mortality has increased; we rather think that, upon the whole, the state of the workhouses is better than it was at starting.

3431. Do you believe that the average dietaries in the workhouses are superior, or inferior, or about equal to the average dietaries of the inhabitants of their respective localities?

In the rural districts, I have very little doubt in my own mind, that the dietary of the workhouse is above the average of the dietary of the labouring classes. There are many agricultural unions where the inmates have cooked meat three times a week, and I do not believe that the agricultural labourer would have that amount of cooked meat. But, on the other hand, if you compare the dietary of workhouses in the metropolitan districts, or the workhouses in the manufacturing districts, with that of the labouring classes in the time of their prosperity, undoubtedly the scale of dietary in the workhouse would be below that of the independent labouring classes; because their rate of wages being high, their scale of living is also high. But in the rural and agricultural parts of the country, however, I believe that the workhouse dietary is far above that which the labouring classes would enjoy. It was probably not intended to be so originally, but this is the necessary result of the looking after the people by the central authority, and by the Boards of Guardians.

3432. Has it ever been represented to you, or are you aware, that workhouse offences are sometimes committed with a view to gain admittance to prison, in order to enjoy a supposed superior diet?

Not by the regular inmates; I have not the slightest reason to suppose that there is any possible foundation for that: but there is a class of persons who come into the workhouse, and run out of it, vagrants, tramps, and casual poor persons who come in for a night; and it is an allegation, which probably is true, that many of those commit offences in the workhouse, and are sent to gaol. Whether it be that they get sent to gaol for the purpose of obtaining better food than they would have in the workhouse, or whether it is because they are of that vagrant character, and loose dissolute life, that they are reckless of the consequences, I am not prepared to say. They would not receive more food, or they would not receive such food in the workhouse, as vagrants, as they would be likely to receive in prison; of this there is no doubt. But they form a very limited class, one which can hardly be dealt with in any way by the Poor Law authorities. But so far as the ordinary regular inmates of workhouses are concerned, I do not think that there is any foundation whatever for that which has been frequently stated, that the inmates commit offences in order that they may be sent to prison and get a better dietary.

3433. A large proportion, especially at the present time, of the inmates of workhouses consist of aged and infirm people, against whom that allegation could not exist?

Yes; or of women, the mothers of illegitimate children who are living in workhouses, and of orphan and deserted children.

3434. Are you of opinion that, partly from the passage of those tramps and vagrants through the workhouse, and partly from other causes, there is a good deal of demoralisation which goes on within the workhouse, which leads to the commission of offences, and the filling of the gaols?

I think it is very difficult to trace the operation of motives upon criminals in respect of the causes of crime. I do not think that the workhouses themselves produce any incentive to crime more than is to be expected from the existence of the low classes of society. There is nothing in the workhouse that necessarily leads to it; the inmates are chiefly persons who are there from reduced circumstances, and for support in their old age and in their sicknesses: there is very little to lead them to commit offences.

3435. Is there not an association between the young lads in the workhouse and the tramps and vagrants who are passing through, and who have very often been convicted and re-convicted offenders?

There should not be, and I should say that there is none whatever; because the tramp-ward is totally distinct, and perfectly secluded and separated from the wards where the lads or girls, or the other ordinary inmates of the workhouse, are kept. There is no reason why those tramps should have any intercourse with them, nor have they, as I believe.

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3436. You believe, therefore, that the classification as generally adopted is a sufficient safeguard against the contamination which is frequently alleged to take place in workhouses?
Between those two classes undoubtedly it is quite sufficient, and it is, for the most part, rigorously maintained.

3437. Earl of *Ducie.*] What is the diet of a casual pauper?
It varies in different places; but for the main it is bread and water, and perhaps, occasionally he gets a little porridge.

3438. What quantity of bread do they have?
Six or seven ounces of bread.

3439. That is for one meal?
Yes, that is for one meal. The tramps come into the workhouse at different hours; generally speaking, they come into the house at night, after the evening meal.

3440. Earl of *Romney.*] Are you speaking entirely of wayfarers and wanderers, who come in just for the night, and go on?
Yes.

3441. Besides those, there may be many persons who ordinarily live by thieving, and who are settled parishioners in the union, and, for some reason or other, a man chooses to go into the workhouse, and he is there associated with all the other labourers of his class, is he not?
Undoubtedly that is so.

3442. So far as that goes, there must be contamination, and it is impossible to help it?
Yes, quite so: a man associates with persons in the workhouse just the same as he would associate with the same persons if he were in a village; and this cannot be prevented, so far as his own class is concerned.

3443. *Chairman.*] Who are the class of people by whom the workhouse offences are generally committed, such as breaking windows and the destruction of furniture?
The greater portion of them are vagrants; occasionally there are some violent young women perhaps in the workhouse, but it is not a class of the able-bodied men and women, because that class is not much in the workhouse: the persons who are sent to prison for the most part from the workhouse are the vagrants. They come in and are angry at being set to work, or they are angry because they have not better fare, or have some other cause of dissatisfaction; and they break a window, and tear up their clothes, and strip themselves, and abuse the master, and probably abuse their fellow inmates: and these are the classes, for the most part, who are sent to prison for workhouse offences.

3444. It is your belief that there are a considerable number of persons, taken from that class, who do commit offences within workhouses with a view of being committed to prison?
I do not know that one can trace this; it is very difficult to find out the motives. We only know that, in point of fact, they do commit offences, and are sent to prison; and when they are before the Committing Justices, they often say they committed the offence to get to prison, because they are so wretched and miserable that they prefer being in prison to being at large: that is a statement which is made and nobody can contradict, because it depends upon a man's motives, which cannot be traced. Now and then there are individual paupers in the workhouse who are dissatisfied with their treatment there; some who would wish to go away no doubt, but who have no other means of going away, and who are prohibited from being relieved out of the workhouse. There are, occasionally, instances of other persons who are dissatisfied and go away from the workhouse, not so much because they are dissatisfied with the fare of the workhouse, but because they want to be released from the workhouse; a few cases of that kind have come under the notice of the Board.

3445. Duke of *Richmond.*] Are the Committee to understand from you, that your opinion is that the number of persons who prefer hard labour in a gaol, or the

the treadmill, to the relief in the workhouse, with the power of leaving it whenever they please, is very great? *W. G. Lumley, Esq.*

That is not my opinion. It is impossible to know what the motives of criminals are; but judging from one's own natural inferences, and from anything that we can infer from matters which are brought under our notice, I think that the pauper inmate of a workhouse is generally far too comfortable to prefer going to gaol, where he would be kept to hard labour for a certain time. In the workhouse there is a regular diet, there is good clothing, there is a warm building, and there is attendance in case of any illness; and there is, generally speaking, some consort and companionship with acquaintances and neighbours. All that is to be set off against the confinement in the gaol, with hard labour, and the fare, about which I do not profess to give any opinion, because I do not know the absolute fare in the different gaols. 24th April 1863.

3446. *Lord Steward.*] Does your experience lead you to say that if the dietary in the county prisons in England is decidedly superior to that in the workhouses, the prison dietary might be reduced without any danger to the health of the prisoners?

I think I ought not to say that decisively, because you must take into consideration the employment, and its action on the class of persons who are in prisons. Their ages should be considered. I should suppose that the average age of the inmates of workhouses would be very far above the average age of the inmates of prisons, therefore the workhouse might require a much lower dietary. Supposing a workhouse to be filled, for instance, with aged persons, the proper dietary would be much lower for them than the prison dietary.

3447. Do you not believe that the dietary in the workhouses is sufficient for the maintenance of the health and good condition of an able-bodied man in the prime of life?

We certainly expect that that is so.

3448. If that be so, would it not follow that a dietary much superior to it in quantity and quality would be more than sufficient for the maintenance of the health of a male adult prisoner?

Taking the dietary for the adult able-bodied inmate of a workhouse, I should think that it ought to be sufficient to satisfy and keep him in good health.

3449. Duke of *Richmond*] Is it not possible that what might be a perfectly sufficient diet for an able-bodied pauper in a workhouse, might be insufficient for that pauper if he was kept to hard labour on the treadwheel?

That is a point upon which I should have only an opinion; I have had no knowledge of that. I should certainly infer that the labour which we can impose upon an able-bodied man in the workhouse would never be so exacting and so severe as that to which he is subjected in the prison, and consequently that there would be a greater expenditure of vital power on the part of the man in prison than there would be in the workhouse.

3450. *Lord Steward.*] The hardest labour you generally give in workhouses is stone-breaking, is it not?

Yes, stone-breaking is the hardest labour; that, or digging in the fields, which of course would not be equal to the labour on the treadwheel.

The Witness is directed to withdraw.

JAMES ANTHONY GARDNER, Esquire, is called in, and examined as follows:

3451. *Chairman.*] YOU are the governor of the Bristol Gaol, are you not? *J. A. Gardner, Esq.*

I am.

3452. For how many years have you held that appointment?

Twenty-six.

3453. Will you state to the Committee what is the average number of prisoners within the gaol?

About 160.

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3454. Does that include debtors?
It includes all clsses; but our debtors are very few, perhaps not more than six or seven now,

3455. I believe the gaol is a building of old construction?
It is; it has been built about 50 years.

3456. Since you have held the office of governor, has it been your object as far as possible to adapt the old construction of the gaol to the separate system?
Yes, it has.

3457. Do you carry out the separate system in complete strictness?
Yes, completely so.

3458. And of course under the rule of silence so far as the prisoners are concerned with respect to each other?
Yes; and with the exception of three or four prisoners, employed outside the wards, none of them see each other.

3459. There is consequently neither sight nor communication?
Just so.

3460. Is that carried out in all the different departments of the prison?
Yes; in the cells, in the wards, in the school, on the treadwheel, in the chapel, in the exercising yards, and throughout the prison.

3461. How is that separation carried out in the exercising yards?
We have separate compartments built, with bars in front, so that a prisoner cannot possibly look round into the next compartment; there is an officer stationed in front and another behind, for the purpose of removing prisoners to and from their cells, or to and from the school, or to and from the chapel.

3462. So that he is, in fact, within a groove of iron?
Yes; there is a door behind him and bars in front, with windows to lift up and down.

3463. Does that arrangement require a large number of officers to superintend it?
Yes; the construction of our gaol is such that we cannot do with so small a staff as we could if we were on a more modern plan.

3464. Are all the prisoners allowed to take exercise?
We do not give them any other exercise than the treadwheel, except in the case of invalids.

3465. This arrangement to which you allude is for the purpose of exercising invalids?
The invalids are exercised in small compartments, 17 or 18 feet long, and four feet wide.

3466. I do not quite understand from your description to what class of prisoners it is that those yards, with bars of iron on each side, are appropriated; do they exercise in parallel lines?
They do.

3467. With a gaoler in front of each?
Yes, in front of the whole class.

3468. Earl of *Romney*.] So that the compartments are for one man only?
Yes.

3469. And the officer standing in front sees each of them?
Yes.

3470. Earl of *Dudley*.] Do they converge to a centre?
They do not, but still all the officers can see them.

3471. *Chairman*.] Do the prisoners wear masks?
They wear a bag down to their shoulders, which they can see through exceedingly well; but they cannot recognise each other's features, or the make of the shoulders behind.

3472. Marquess of *Salisbury.*] How is it with regard to respiration?
It is perfectly free; it is nothing more than a veil after all.

3473. *Chairman.*] What are the class of prisoners that make use of those yards?
The convicted and the untried.

3474. Do the untried wear those bags?
Yes, they all wear those bags; it is merely to prevent the possibility of the men being recognised in the gaol, and they are only too thankful for it; indeed, many of them ask to be kept separate before they know that we are so very strict; they say, on being admitted, "Can you anyhow manage to keep me separate without seeing the other prisoners?"

3475. So that it answers a double purpose—that the ill-disposed prisoners are prevented from having communication with the well-disposed prisoners, and, as to the untried prisoners, it prevents recognition on the part of their comrades?
Yes, it answers that double purpose.

3476. I understood, from your previous answer, that the only exercise that you allow to the healthy prisoners is the treadwheel; are the class of men who make use of those exercising yards those who do so by medical order?
Yes.

3477. And no others?
No others.

3478. The mass of the prisoners are exercised simply by means of the treadwheel?
That is all; on Sundays we exercise them the best way we can by admitting them into those compartments, for a short time each prisoner.

3479. Do you find that system effective?
Quite so. During the time I have been Governor, 26 years, we have never lost a female prisoner, and we do not lose more than one male prisoner in 12 months; those that we have lost have come to us, perhaps, in the last stage of consumption; I do not know one single case that has been taken ill on the premises and died.

3480. Do you find that the prisoners dislike the system in your establishment?
They very much dislike our gaol.

3481. Do you find that many of them are recommitted from your own district?
They are not; we merely get back the professional thief.

3482. Is yours a county prison?
It is for the city and county of Bristol; Bristol is a county.

3483. What is the population of Bristol?
About 175,000. We have a better opportunity of watching the discharged prisoners in Bristol, from the fact of their having come from within a ring fence; therefore we know where they are when at large. In most other gaols, when they are discharged, they can go 40 miles perhaps from the prison, whereas we know where all our prisoners go to.

3484. You have described to the Committee the separation, such as it is, in the exercising yards; will you now explain the system of separation that you have established in the cells?
They are removed from the compartments in each yard to the cells in each ward, one at a time. An officer is placed at the cell door, and another at the compartment in the yard. Directly a prisoner is released from the yard, having been employed at some work, such as tailoring, shoemaking, or oakum picking, they turn a half-minute glass, and when the sand is out they let another go; when the man arrives upstairs he rings a bell to show that he is out of sight, so that they never see each other.

3485. Are the cells all certified?
No, they are not certified, in consequence of their not being sufficiently large.

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3486. That results, does it not, from the old construction of the gaol, which it was impossible to remedy?
That is the cause.

3487. How large a portion of the day is spent by the prisoners in those cells?
They rise at six in the morning, and return to their cells from eight to nine; from nine to ten they are in chapel; from ten to one they are in the yards again; from one to two they are at dinner in their cells; from two to six they are in their yards again, and from six to seven they are in their cells; at seven their clothes are taken from them, and they are locked in for the remainder of the night.

3488. How many hours' sleep do they have?
From seven at night to six in the morning.

3489. Do you not reckon that a very large allowance to devote to sleep?
It is a long time; but without a larger staff of officers we could not do better.

3490. Are the cells lighted?
They are not.

3491. Earl of *Dudley*.] You would require an extra staff of officers if the cells were lighted in the evening?
Yes.

3492. It is a very long day for your staff as it is?
Yes, the officers work very hard indeed; one-half stay on till eight o'clock on alternate nights.

3493. *Chairman*.] Do they use hammocks or beds?
They use straw beds.

3494. Do you find that that is cleaner, or that it has any advantage over hammocks?
The only advantage, I think, is, that if a prisoner is not as clean as he ought to be, we can destroy the bed at once, and wash the canvas.

3495. Have you ever made use of guard beds for short sentence prisoners, or as a prison punishment?
We have not.

3496. Would you see any objection to the use of them?
None whatever.

3497. Would you apprehend any injury to the health of the prisoners from their use?
I think none whatever in summer.

3498. Might it not be a very salutary punishment?
I think it would at present, when a prisoner is refractory, instead of giving him his bed at seven, I give it to him at 9 or 10, or 11 or 12, as the case may be.

3499. Earl of *Romney*.] Do you do that on your own authority?
Yes; but of course I make an entry of everything of the sort.

3500. Earl of *Ducie*.] Why do you take their clothes from them at seven at night?
It is from the fear of the possibility of their attempting to make an escape.

3501. Marquess of *Salisbury*.] You stated that there was an average of 160 persons in the gaol, out of a population of 175,000; that is one in how many?
About one-tenth per cent., or something like that; I think we average a smaller percentage in Bristol than in any other city in England.

3502. *Chairman*.] I understand from the evidence that you have given that a prisoner, in passing to or from the cell, can have neither sight nor communication with any of his fellow-prisoners; and that the system, so far as the cell is concerned, is strictly separate in your prison?
Quite so.

each other in gaol; and they say that if they had only been seen by some of the inmates, they never should have been able to obtain or retain situations.

3560. Earl of *Dudley.*] There is a record against them, is there not, and they are sentenced in public court?

Yes; they may be seen there for a short time during trial. I know two boys who were in my prison, both from the same place. I went into a shop to buy some furniture for the use of the prison, and a boy ran out to me, and said, "Please, sir, do not say that you saw me." I asked him what he meant, and he said that he had been in prison, but that he had got a good place, and he intended to keep it. There was another boy in sight who had been in prison at the same time, and I asked the first one whether he saw any one that he knew, and he said "No," showing that he did not recognise the other boy.

3561. Earl of *Romney.*] Was that a Bristol boy?

Yes.

3562. If he is tried in Bristol, and surrounded by his friends, how is it that he is not known?

He may be known by his friends; but the two boys, never having seen each other when they were in gaol or during trial, could not recognise each other in the place where they were employed.

3563. *Chairman.*] Had your chapel those separations when you first became governor?

No; it was so confined that we were obliged to build another, or enlarge the gaol.

3564. Consequently, you have not had any experience of a chapel without those separations?

I have seen a chapel without separations.

3565. Do you believe, from your personal knowledge of the subject, that communication goes on much more freely where there is no separation than where there is?

I know that in our own gaol, before the chapel was separated at all, in the chapel on the old form, two years before I went there, one of the most daring robberies committed in Bristol was concocted in the chapel, and afterwards carried out.

3566. The Committee therefore understand that, in your opinion, separatio n in chapel is a most valuable part of your system, that you would not dispense with it, and that you have not experienced any disadvantage fom it?

No; we have experienced the greatest advantage from it; the prisoners themselves have told me that if it were not for the separation, they would not be able to say their prayers.

3567. Is the chaplain himself equally satisfied with it?

He is perfectly satisfied.

3568. How frequently does the inspector visit the gaol?

I cannot exactly answer that question; perhaps once in 12 or 14 months.

3569. How long does each visit of the inspector last?

Three or four hours, sometimes calling again the next day.

3570. During that time does he go over the whole gaol?

Yes; he sees every prisoner. I generally keep a long distance behind him, or, perhaps, wait at the gate, whilst he goes in, and says to every prisoner, "If you have any complaint to make, I am the Inspector of Prisons, and you have an opportunity of doing so."

3571. Earl of *Romney.*] Does he look at your books?

Yes, he does.

3572. And does he ask you whether you have visited every prisoner every day?

Yes.

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3573. Is it your practice to visit every cell and every prisoner every day?
Yes, every day; indeed I visit them oftener than that, for I am always on the premises, and I am rather active, and it is what I have taken some little pleasure in for some years past.

3574. Does the inspector, when he comes, examine to see whether the rules of the prison are carried out in all points?
Yes; he is very particular in making inquiries, and, indeed, he puts words into the prisoners' mouths, but they never make any complaint; I wonder at their not making complaint, as the discipline is more severe in our gaol, perhaps, than in any other prison.

3575. He has not only to see that the prisoners are properly treated, but that the rules are properly carried out; does he take care to see that?
Yes; there is not a part of the gaol that he does not see, nor anything but what he asks about.

3576. Marquess of *Salisbury.*] Do you think that there is any communication between the prisoners during the night?
No; there are two night warders always on duty.

3577. Can any voice be heard?
No.

3578. Earl of *Dudley.*] Has there been any recommendation on the part of your inspector to soften off this severe system?
None whatever.

3579. He accepts it such as it is, and reports upon it?
Yes; and I believe Sir Joshua Jebb also is very much pleased with our gaol; he has told me so.

3580. You stated that a great number of those prisoners were gone out into the town of Bristol, and were now in good situations, and that you believe that those situations have been obtained very much from the fact that they had not been recognised by those who had been in prison with them during their imprisonment. Have you traced at all the case of second convictions, whether they get placed out in the same manner?
They do not; I think when men come to gaol, and adopt thieving as a profession, they go on till they end with penal servitude.

3581. After a second conviction you look forward to a man becoming an habitual thief?
Quite so.

3582. *Chairman.*] Are you aware of the difficulty which very often arises in law courts in identifying a previously convicted prisoner?
I am.

3583. Have you ever considered, or have you ever adopted, any scheme by which previously convicted prisoners may be more completely identified?
I introduced some years ago (indeed I was the first who introduced them) the daguerreotype portraits of the prisoners, and from having succeeded in one or two cases, we introduced it more freely; we now take a large number of portraits, and I think it would be very difficult for a man to escape detection in our gaol. I take a stereoscopic picture, instead of a plain portrait, and I request the parties to whom I send it to put it into the stereoscope; they have a better opportunity of seeing the man before them standing out in relief.

3584. Do you take a portrait of every prisoner who is committed to your gaol?
We do not. I do it myself, and I have no time to take so many. We merely take portraits of those whom we do not know—railway thieves, and strangers to the city, who are taken up for picking pockets at the railway stations and in railway carriages.

3585. Have you found the practical advantages of that system?
Yes, I have found out a great many by that means. On one occasion I recollect an officer of mine being offered a large sum of money by the wife of a prisoner to release

release him. He was offered 100 *l.* This was reported to me; and I thought that as the man had only three months more to serve, he certainly must be wanting somewhere else. I took his portrait directly, and sent it round to perhaps 40 or 50 different gaols, and he was recognised at last at Dover. I had an order from the Secretary of State to remove him, instead of discharging him. I removed him on a Friday, and on the following Friday he was sentenced to 15 years' transportation for highway robbery.

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3586. Have you had other instances of the same sort?
Yes, many.

3587. Did the judge who presided at the trial make any comment upon that?
I do not know. I was not there at the time; but it was entirely through the portrait that he was recognised.

3588. Are you of opinion that if the system were more extensively carried out, of taking photographic portraits of all the different prisoners in the different prisons, and if communication took place between the governors of the different gaols, that would lead to the identification of a vast number of previously convicted prisoners?
Yes; and, if it was well carried out, I think it would be almost impossible for a man to escape.

3589. Would there be any practical difficulty in carrying it out?
None whatever.

3590. Will you put in evidence a return of the form which you use in forwarding the photograph of a prisoner?
Yes. This was the form (*producing the same*) which I introduced at the time when I commenced the system of taking photographs of the prisoners. I was the first who introduced it, and I have got it introduced into perhaps 20 or 25 gaols, and they all adopt this plan. A portrait is the best part of a man's description; and if it is well taken, and particularly one this size, it is almost impossible to mistake the features of the man.

3591. Earl of *Dudley.*] You say that there is no difficulty about taking the photographs of the men. I presume you mean that, practically, they have not refused to let them be taken?
They have not. But I have taken them walking, unknown to them.

3592. A prisoner, by closing his eyes and distorting his features, and moving during the seconds of time that the portrait is being taken, would destroy the likeness, would he not?
I have never met with but one who did that, and I took that man's portrait when he was walking. In order to try the experiment, I took out one of my domestic servants into the garden, who was placed at a certain point of the path where it was not possible to see the camera, and at a long distance. I found after some time that I succeeded very well; and I told the officer to come to me with the man; the moment he came there I pulled out the slide, and succeeded in a second; it was quite good enough to catch the man by.

3593. Supposing there is any opposition to your doing it, you have the means of carrying it out?
Yes. I could take a man through a small aperture; I do not think there would be very much difficulty in getting him to sit. You may now and then meet with a man like the one I have referred to, but you might catch an opportunity, or you might build a place for the purpose.

3594. *Chairman.*] Do the prisoners themselves dread being photographed?
They have frequently said to me, "I know what you are at; I have been in gaol; I will tell you all about it"; and I have told them that they need not tell me, as it might be used against them; and upon that I have taken the portrait.

3595. Is not the cost of the apparatus very trifling?
It is a very trifling sum; but it would be quite as well to have a good one.

3596. Have you ever considered the expediency of affixing, by means of gunpowder or some other device, a mark upon the person of a prisoner upon a second conviction?

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I have often thought that as deserters are marked with the letter D, it would not do very great harm to mark a thief, and I should mark him by a machine made upon the principle of a cupping machine. I would rub him over with gunpowder and water properly mixed, and mark him "Bristol gaol;" it might be done in one single second, without any pain or hurt.

3597. Do you conceive that there would be anything degrading in it?
Nothing whatever; he would never be able to get it out; it would be placed of course behind him.

3598. I mean would there not be a sense of degradation produced on the mind of a prisoner?
I should think there would.

3599. Earl of *Dudley.*] Would it have a healthier moral effect upon him in your belief?
Yes; I believe it would prevent many from coming to gaol.

3600. *Chairman.*] Do you think that it would interfere with his obtaining employment in any way, after he had left the prison?
No, it would never be known. I have often thought that if a prisoner were marked with the name of the gaol, and the date of his conviction, it would be impossible for him to get it out, if placed where I have suggested.

3601. Does not, practically, the employment of flogging mark a man in such a way that the traces of it are generally left for the rest of his life?
Never; the flogging that we have been in the habit of enforcing lately, which is only three dozen lashes in the week, would not mark even a child. It will look very bad for a few days, but directly the inflammation goes off, which may take only two or three days, there is no mark left.

3602. What is the limit of the flogging that you inflict?
We give from two to three dozen lashes.

3603. Are you aware of an order from the Home Office reducing the four dozen lashes administered to Government prisoners for prison offences to two dozen?
We have received an order for adults not to receive more than three dozen lashes, and juveniles not to receive more than two dozen.

3604. Earl of *Dudley.*] The number of lashes to be inflicted either upon an adult or a juvenile comes down with his sentence, does it not?
We have never any sentence sent to us from the Home Office.

3605. When a sentence is passed by the court, is it not the practice, in Bristol, to name what number of lashes are to be given?
It is not. I may possibly have seen the number specified once.

3606. Is the sentence simply "to be flogged once or twice," without mentioning the number of lashes?
Yes.

3607. Is it not the rule to mention the number of lashes?
I have never seen any rule of that sort; we never have it mentioned; we all know, in the gaols, that we cannot give more than two dozen lashes to a juvenile and three dozen to an adult.

3608. *Lord Steward.*] Is the instrument for flogging the same now as it was, or has there been any alteration in it?
It is precisely the same; 18 inches the lash, and 18 inches the handle.

3609. *Chairman.*] Will you describe to the Committee what the forms of hard labour are in your gaol?
The treadwheel; but we really do not use it as hard labour; we use it because we cannot help ourselves; we use it for pumping water.

3610. Do you use the crank?
We have no crank; we pick oakum, make shoes, and make the clothing of the gaol, and do the work of the gaol; we do all the building on the premises, and we have done so for the last 20 years.

3611. How

3611. How can you do that without bringing the prisoners into association?

When we built the chapel we had 20 prisoners together; we were compelled to work them together; we could not work them separately.

3612. *Lord Steward.*] Were they veiled, or masked?

No; we were obliged to unmask them; but that is the only exception; everything else we do separately, with the exception of the number before mentioned. I should tell your Lordship that the chapel was built without asking for money. The Corporation voted a sum, but I thought that we would do without; we built it entirely without. We made the money ourselves; we made some little things on the premises during the two years that we were at work, and with the profits arising from that we built the chapel. We used the inmates in the gaol for that purpose, but we worked up things that we never worked up since or before. We made mats and baskets, and other things, and every prisoner was at work in the best way he possibly could.

3613. *Chairman.*] Do you approve of the use of the treadwheel as an instrument of penal discipline?

The treadwheel is no good in that respect.

3614. On what do you ground that belief?

A prisoner, when he is aware that he is not at productive labour, is careless and reckless as regards himself and every one else, but if you place him at remunerative labour he is well conducted, and will do a fair day's work.

3615. Have you not stated that at present the treadwheel is employed for the pumping of water, and is not the pumping of water productive labour?

Yes; it saves us about 100 *l.* a year.

3616. Would a prisoner be open to that feeling which you have described when he knew that he was pumping water and saving the prison 100 *l.* a year?

Quite so; they do not think that anything; they do not think that pumping water is any service; but if they were grinding corn, or anything of that sort, they might fancy it was remunerative labour.

3617. Would there be any practical difficulty in applying the treadwheel to grinding corn?

It would not pay; at Gloucester gaol, I believe, they lost 50 *l.* a year by grinding corn, which they have since discontinued.

3618. Your object, therefore, as I understand, is to make the labour of the prisoners remunerative to the gaol?

I would rather see it remunerative than not.

3619. Is there not a risk, by pursuing that system too far, of losing sight of the penal element in the hope of obtaining a money remuneration?

I can hardly answer that question; we like to make as much money as we can, to save the gaol from costing as much as it otherwise would, and if the prisoners, when at large, earned, as they ought, an honest livelihood by their labour, we think there is no harm in their assisting to support themselves whilst in prison.

3620. Do not you, for the sake of that, discard the really useful element of penal discipline upon the treadwheel?

I think not, because the other labour is quite as irksome.

3621. How do you punish short-sentenced prisoners as regards labour?

They work just the same as long ones; they take their turn at the treadwheel.

3622. Do you employ them in industrial occupation?

I do.

3623. In the case of a person who is committed to prison for 10 days, and perhaps knows nothing of industrial employment, has no time during those 10 days to learn it, how would you act in that case?

We would put him to oakum picking. If he was a shoemaker, we would put him

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himto work at shoemaking, or a carpenter at carpentering, immediately after his committal.

3624. Would you give him the treadwheel?
No, we would not give a regular tradesman, such as a carpenter, a mason, or a tailor, the treadwheel; we would make better use of their time.

3625. Do you assign the industrial labour by piece-work?
We do not.

3626. What check have you upon the prisoners working?
We have always an officer in front of them, and they are compelled to do a fair day's work; if they do not do what we call a fair day's work, they are reported for neglecting their work, and punished.

3627. What is the punishment?
We may possibly caution them the first time, and we give them bread and water afterwards. We do not pay them for their labour, but we give them a small sum when they are discharged, to put them out in the world.

3628. Looking at the great inequality which necessarily must exist between different prisoners in point of stature, strength, size, and skill, is not it very difficult for the warder in charge to estimate what you term a fair proportion of work?
No; the size of a man does not at all interfere with his labour; a small man can pick just as much oakum as a large one, and a small man can work on the treadwheel just as well as a heavy one; there is no difference at all in that respect.

3629. Duke of *Richmond.*] Did you not state that you do not give the treadwheel to short-sentenced prisoners?
We do; but not in all cases. If a man came in who was a carpenter, or a cabinet maker, or any trade, so that we could possibly make use of him, we should put him to work at his trade at once; if he knew no trade we should give him oakum picking, with a turn on the treadwheel at times.

3630. A tailor or a carpenter you would employ at his own trade?
Yes; one carpenter will maintain six prisoners free of cost to the City.

3631. Then I understand that if a tailor or a shoemaker, or a carpenter comes in sentenced to a short term of imprisonment, he would be employed during the whole of his sentence at tailoring, or shoemaking, or carpentering, and not upon the treadwheel?
Just so.

3632. But if an agricultural labourer comes in, who knew nothing about tailoring or carpentering, he would be placed on the treadwheel?
He would do garden-work, perhaps; he would commence with oakum-picking, the treadwheel, cleaning the part of the ward he is in, and so come round to his work again.

3633. Then so far as I gather from you, the effect would be to place the tailor, or the shoemaker, or the carpenter, in a better position than a man who comes in as an agricultural labourer knowing no trade, because the former would be working at that trade and occupation to which he was accustomed, and which would therefore to him not be difficult, whereas the other man would be picking oakum and working at the treadwheel; is not that so?
It would be still hard labour; we do have a fair day's work out of them, and they get nothing for their labour; it would be a hard day's work after all.

3634. But the tailor or the shoemaker out of doors would work hard?
Yes; but if we were not to work the tradesmen who are prisoners we should have to pay for the performance of that labour.

3635. It is not the reason that I want now, but is it not the fact that a tailor or a shoemaker committing a crime, and being sentenced to three weeks' imprisonment in your prison, would simply be employed in doing that which he would be doing out of doors in his own shop, had he not committed a crime, whereas an

an agricultural labourer who committed the same crime, and was sentenced for the same time, would be at work on the treadwheel or picking oakum?

Yes; they would not be employed at the mill.

3636. The tailor or the shoemaker would be doing the same thing as if he had been at his own house?

Yes; but he would be doing it shut up at the same time, and subject to the routine of prison discipline.

3637. Marquess of *Salisbury.*] How did you keep up the separation of prisoners in such labour as building the chapel?

There were 20 prisoners whom we selected to work together on that occasion.

3638. Those 20 were allowed to communicate?

They were.

3639. Then it was only for that particular occasion that you departed from your system?

That is so.

3640. *Chairman.*] Which form of punishment do you believe the prisoners prefer; the treadwheel, or industrial occupation?

I do not think they like being on the mill; not as we formerly worked it; that is to say, for the whole day together; we used to put on section 1 from the morning till breakfast time; another from after chapel till dinner; another section from dinner time till locking up time; then they did not like the treadwheel; but now I think, particularly in the winter, they would prefer having their hour at the treadwheel to not having it.

3641. By the abandonment of the treadwheel to the extent to which you now carry it, are you not sacrificing the penal and irksome element of prison discipline which makes that prison discipline so very deterrent to the prisoners themselves?

I do not know that we are; we have introduced, as every other gaol perhaps has done, all sorts of work that we can put men to. We do not like to see men upon the treadwheel for a longer time than we can possibly help for the supply of water, any other labour being more remunerative.

3642. There would be, however, this difference, would there not, between your system and that of any other gaol, that whereas in many other gaols the vast majority of prisoners would have been taken from the rural districts and from the class of agricultural labourers, in your case they are mostly inhabitants of the town, and many of them are accustomed already to trade of some sort?

No, we have very few tradesmen; indeed at the present time we have not one tradesman on the premises; they are all thieves. When I say we work our tradesmen, I will venture to say, speaking within compass, that we never have three at a time. During the whole time that the masons were on strike we never had a mason, and we never had more than one carpenter at a time.

3643. How long does it require to instruct a thief in the trade of a carpenter or a tailor?

We never attempt it.

3644. *Lord Steward.*] How did you contrive to build your chapel?

We scolded them into it; we had only one carpenter during that time, and we had no mason; the stones are beautifully polled, quite as well as in any building; the man who polled the stones had never been so employed before, he has got a situation now under the Corporation, and is one of the best stone pollers in Bristol.

3645. What description of man was he?

A labouring man.

3646. What is polling a stone?

Making one side of the stone smooth.

3647. Marquess of *Salisbury.*] In this return of judicial statistics of 1861 which I have in my hand, the profit of the Bristol Gaol is stated at 57*l.* 16*s.* on the industrial labour?

That is merely on the oakum picking, on the oakum sold at the time.

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3648. Do you keep any account of the profits?
We do.

3649. Can you put in such an account?
I have nothing with me more than what your Lordship has before you, and you may depend that is correct. We have been going on oakum picking since then; that is the profit upon the oakum that was sold; we may possibly have eight or ten tons by us at present, and that would produce perhaps, 105 *l.* profit; we do not return the profits until it is really sold.

3650. You stated, did you not, that the profits of one carpenter would maintain six prisoners?
We do not show the profits for work done in prison, such as building or carpentering, or repairing the prison in any way; we do not show that as a profit; if we did, it would be a large amount.

3651. Earl of *Dudley.*] You consider, then, that you have a discretion to do away with the sentence of hard labour, as passed by the Courts?
We do not do away with hard labour at all; every work that we put the prisoner to do is hard labour.

3652. I will take your own description; under the eyes of the officers you get a fair day's work from the man, or he is reported?
Yes, we do.

3653. A hard day's labour you cannot get from him?
I really think we do; I am satisfied that we do.

3654. Then there is this difference between the two terms; your own words were "a fair day's work," whereas the sentence of the Court is "hard labour?"
I think that our fair day's work would be a hard day's work, from the fact of their being watched, and their having no time for relaxation at all; on the female side we have no treadwheel, and yet they are sentenced in the same way.

3655. You have devoted yourself very much to the laborious part of the system of the gaol, and not to the penal part of it, namely, the treadwheel; you told a noble Lord just now that if you had any tradesmen in gaol you made them work at their trades, but that they would not do as much in the day as they would if they were free men, out of gaol?
They would not.

3656. Therefore it is not a hard day's work?
I think it is for the time that they are at work.

3657. It is a compulsory day but not a hard day?
Yes.

3658. With regard to a labourer who comes in, who is not capable of working at any trade, you compel him to do, first, the wheel labour, as long as it is wanted for the forcing up of water, and after that whatever you can set him to best?
Yes.

3659. Do you consider that you get a hard day's work out of him?
Not harder than in the other case, because the treadwheel is not sufficiently long; it is only an hour, perhaps half an hour; it is merely for the purpose of pumping the water, and directly the cisterns are full the treadwheel is stopped; we do not like to waste the water.

3660. What would be your objection to making the wheel grind your own corn, and be productive in that way?
I do not think that it would pay; it does not pay in any of the gaols. I only go from what I have been told at Gloucester.

3661. You have stated distinctly, have you not, that your principle in the Bristol gaol is to make as much as you can out of the labour of the prisoners to keep down the expense?
I do.

3662. Do you think, that in carrying that out which is a good principle *per se*, you are justified in ignoring the sentence of the law, which is hard labour?
I do

I do not think that it has ever struck the magistrates that we do so, in placing the prisoners to work at whatever they can work at.

3663. If you were asked the question, you would draw a distinction between hard labour and industrial occupation, would you not?
Yes.

3664. Industrial occupation would be everything that they did in the way of mat making and other trades; but hard labour must be either in the form of the wheel or the crank, must it not?
No; there are many harder kinds of labour which you can introduce into a gaol. I have some men at some very hard labour indeed, namely, laying down four or five yards, and making the asphalte on the premises. I think that is exceedingly hard work. I see the men in a perspiration continually.

3665. You have no power, have you, of compelling a man to do hard labour if he is not willing to do it?
But we have the treadwheel.

3666. But if a man says that he will only give you an unwilling day's work, you cannot get a hard day's work from him?
We cannot, but we punish him for not doing so.

3667. In one word, whatever your practice may be, the wheel or the crank is the only compulsory hard labour?
That is all.

3668. *Chairman.*] What is the dietary table which is in force in your gaol?
The official dietary.

3669. In fact, that which is recommended for adoption by the Secretary of State?
Yes.

3670. Is that, in your opinion, an adequate and satisfactory scale of diet?
I think that it is considerably too high.

3671. Would you state in which of the classes you consider it too high?
In all the classes with the exception of the first seven days.

3672. In the four subsequent stages do you think that it would be possible, without injury to the prisoners and at the same time with benefit to the system, to reduce that diet?
Quite so.

3673. Would you reduce the quality or the quantity?
I would reduce them both.

3674. Under that dietary the practice is that the prisoner should commence with the dietary the particular class to which he may happen to be sentenced, is it not?
Yes.

3675. Would it not, in your opinion, be desirable that an alteration should be made in that respect, and that the diet should be progressive, each prisoner rising as it were through the several stages of the diet, and whether he was sentenced for four months or a year, passing through all of them without exception?
It would. I would just say that, with our present dietary, we weigh every prisoner coming in and going out; they increase in weight from 7 lbs. to 10 lbs. and 15 lbs.

3676. Is that the case with prisoners of the smallest or the longest sentences?
All sentences.

3677. Is there not generally a falling off after the first month or so?
Not at all; they increase rapidly after the first month.

3678. Does the transition from gross intemperance and a very dissolute life on the part of a prisoner when he is committed to prison, involve a necessity in your opinion for a more liberal diet?

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Not at all; the women at first get very thin; they feel it very much indeed, but we do not notice it in the men; perhaps a girl may lose 14 or 15 lbs. in a month, but afterwards she gets stout rapidly.

3679. Is that falling off in your opinion from any change in the diet itself, or is it from the strictness of the new prison discipline?

No; I think it is in consequence of their not being able to get their usual drink, and until they get the better of the loss, they sink rapidly for a month.

3680. Will not the enforced temperance of the prison system sometimes have a beneficial effect upon the health of the prisoner?

It will.

3681. In your opinion the Government dietary in the three last classes is excessive, both in quantity and in quality?

Yes.

3682. *Lord Steward.*] Are you prepared to say to what extent you think that the dietary might safely be reduced?

I cannot at this moment. I am drawing up a dietary for our magistrates to place before the Secretary of State, and I think that there could be a great alteration in the gruel and in the quantity of meat in the soup.

3683. *Chairman.*] The Committee are therefore to understand that you consider that the dietary is too high for the prisoners who are in confinement in Bristol gaol?

I do.

3684. Would you apply that same observation to the prisoners of a gaol in which the treadwheel was in force from six to eight hours a day?

I certainly should.

3685. You consider that the addition of that form of hard labour would not involve that addition of food which would be represented in those tables?

Not at all; when our treadwheel went all day we fed our prisoners precisely the same as we feed them now, and they increased at the same rate as they do now.

3686. Earl of *Dudley.*] Up to what period did you continue to use the wheel as a common means of punishment?

Up to two years ago.

3687. Did that lead, in a great measure, to greatly developing rupture?

Not at all.

3688. Should you say that half the men, according to the surgeon's report, from your own experience, would be incapable of treadwheel labour either from a disposition to or actually existing rupture?

No; we might not have more than one or two in the gaol unfit for hard labour on that account; we examine every man directly he is convicted, and I ask the surgeon to give me a certificate of all those that are unfit for labour.

3689. Earl of *Romney.*] Did you ever know a man ruptured on the wheel?

Never.

3690. *Lord Steward.*] Have the recommitments diminished in number during the last two years?

We seldom or never have recommitments unless they are professional thieves; others come in and have a look at us and they get sick of the gaol, and we do not see them again.

3691. So that, in that respect, there is no very great difference in the last two years as compared with former years?

Very little difference.

3692. Marquess of *Salisbury.*] On comparison of the expenses of each prisoner in your gaol, and in the county gaol of Gloucester, I find that the average expense of prisoners in your gaol is 31*l.* 8*s.* 8*d.*, and the average of the Gloucestershire County Gaol is merely 24*l.* 12*s.* 10*d.*; how do you account for that difference between 31*l.* 8*s.* 8*d.*, and 24*l.* 12*s.* 10*d.*?

Provisions

Provisions are perhaps dearer in Bristol than they can be bought for in Gloucestershire. It is from no other reason than the difference in the cost of provisions, excepting the staff of officers being larger in proportion than in gaols of modern construction.

3693. The earnings again in the Gloucester Gaol, are 248*l.*, whereas in the Bristol County Gaol, they are only 57*l.*?

They manufacture largely cloth sacking, and things of that sort at Gloucester; we do not; picking oakum is the principal remunerative labour we enforce, but a large amount of other labour is performed.

3694. How is your prison kept; is it by a borough rate?

Yes; by a borough rate.

3695. Are the visiting magistrates appointed by the Crown?

They are appointed magistrates by the Lord Chancellor, and become visiting justices in rotation.

3696. Are your borough rates excessively high?

They are supposed to be rather high.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, One o'clock.

Die Martis, 28° Aprilis 1863.

LORDS PRESENT:

Duke of Richmond.	Earl of Dudley.
Lord Steward.	Viscount Eversley.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Romney.	Lord Wensleydale.
Earl of Ducie.	Lord Lyveden.

THE EARL OF CARNARVON in the Chair.

Evidence on Prison Discipline.

W. A. Guy, Esq., M. B.

28th April 1863.

WILLLIAM AUGUSTUS GUY, Esquire, M. B., is called in, and examined as follows:

3697. I believe you are a physician, and Fellow of the College of Physicians?
Yes, I am a Fellow of the London College of Physicians.

3698. I think you also exercise the medical superintendence of the Millbank prison?
I am the medical superintendent of Millbank prison.

3699. How long have you held that office?
Nearly four years.

3700. Who was your predecessor?
Dr. Baly.

3701. Were Dr. Baly's duties confined to Millbank?
They were confined to Millbank as mine are, but he was consulted, as I am, by the Directors of Convict Prisons upon questions relating to dietaries, or to the health of the prisoners.

3702. I understand that your official duties confine you to Millbank, and do not extend to Pentonville or any of the Government prisons?
They are confined to Millbank, except that I should be consulted on any question relating to convict prisons generally.

3703. During those four years the whole question of sanitary inquiry with reference to prison discipline has been very much before you, has it not?
It has been constantly before me.

3704. Have you ever made any experiments on the subject?
I have made experiments and reports upon the dietaries and the health of the prisoners; indeed I make a report every month, because I see every prisoner in the prison once a month, and make a monthly report of the state in which I find the prison and the prisoners.

3705. In fact, you have considered the question of prison diet with regard both to labour, and also with regard to the health of the prisoners?
Yes, I may say both with regard to labour and to health.

3706. Will you explain to the Committee, in the first instance, the nature of Millbank as a prison?
Millbank prison is a depôt prison. Prisoners whose sentences exceed three years are sent to us from the county and borough gaols. They remain with us a

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certain time, and are then sent by us to the several convict establishments, Portland, Portsmouth, Chatham, Dartmoor, Woking, and in the case of women to Brixton, and now to Parkhurst in the Isle of Wight, according to the state in which we find them. The robust men are sent to Portland; the less robust men, who are capable of a full day's labour, to Chatham and Portsmouth; the invalids that are still capable of some labour to Dartmoor; and the invalids that are bedridden, or who would be confined to the infirmary, are sent to Woking.

3707. During the earlier portion of their confinement in Millbank, are the prisoners kept in separate confinement?

Yes, they are kept in separate confinement for about five months.

3708. Therefore I presume that a prisoner at Millbank during those first five months of his imprisonment may be compared in condition and general circumstances to a prisoner who is sentenced for the longer periods of sentence in the county and borough gaols?

Yes, I think the two may be fairly compared; not exactly, but fairly.

3709. What is the length of the period during which the prisoners are confined at Millbank?

It varies according to the state of the prisons which are to receive them, and according to the orders that we get to send them away, whether to Portland, Chatham or Portsmouth; the theory is that we keep them about nine months, the first seven months or so, in separation, and after that in association; but it does not really amount to nine months; very often, at certain periods, it amounts only to seven months, and at certain other periods only to five months, or even less.

3710. I believe that you are acquainted with the return which was printed by order of the House of Commons in 1857, with regard to the dietary of convicts?

Yes, I am acquainted with it, and have carefully examined it, and am prepared to give the general results of the dietaries which it contains, if the Committee desire it.

3711. Will you be good enough to give the Committee the result of your experience acquired at Millbank during the four years that you have had a knowledge of the treatment which is adopted there?

The information obtained at Millbank is extremely valuable. Your Lordships are aware that in the spring of 1823 there broke out an epidemic of scurvy and dysentery at Millbank, one of the most severe epidemics which ever scourged any prison either at home or abroad, and the history of that epidemic is very important as bearing upon the question of what would be a sufficient dietary. The dietary in 1822, prior to the breaking out of this epidemic, consisted of these elements—168 ounces of bread per week, 24 ounces of boiled beef, and 112 ounces of potatoes, making a total of solid food of 304 ounces per week, to which there was added eight pints of broth or soup, and 14 pints of gruel or porridge. The medical superintendent of that date reported that the diet was too good for the prisoners, and said that they were suffering from diseases produced by over-feeding, and he made suggestions for a reduction of the dietary; but the then Committee of the prison, who thought themselves wiser than he, had their own scheme, which consisted in retaining the 168 ounces of bread, but striking off the meat and the potatoes, increasing the eight pints of broth or soup to 14 pints, and diminishing the gruel or porridge from 14 pints down to 7 pints. They struck off all the meat and all the potatoes, and substituted a very weak broth—it did not deserve the name of soup—one ox-head distributed over 100 rations, and that one ox-head sometimes distributed over a larger number than the 100. The result of that reduction of diet was the outbreak of scurvy and dysentery in the following year. Some symptoms of scurvy appeared in the autumn of the year in which the diet was reduced; and in the spring of the following year, the two diseases, scurvy and dysentery, developed themselves under a very marked form indeed.

3712. With reference to that statement, are you aware whether it was proved at the time, or has it since been proved to your satisfaction, that that portion of the reduction which was so injurious, and which led to the outbreak of the scurvy, was the absence of the vegetable element, or the absence of the meat element?

My

My impression is, and I can mention to your Lordships the ground of that impression, that it was not simply the reduction in the quantity of food, considerable as it was, but it was the total omission of the potato element in the diet.

3713. You would lay more stress upon the absence of the potato element than you would upon the absence of meat or bread?
I should.

3714. Was that the opinion of Dr. Baly?
It was his very decided opinion; and he published some valuable essays, in which he stated his reasons for entertaining that opinion.

3715. Was he the medical superintendent at the period of the outbreak?
No; he was medical superintendent for about 19 years prior to my appointment, but not at that time; but he went back to the facts of that outbreak, and added fresh facts of his own, obtained from other sources.

3716. Had the prisoners suffered previously to 1822, from the effect of the excessive diet?
The medical superintendent of that date thought that they had, and reported accordingly, that the dietary was then excessive: that was his opinion.

3717. Earl of *Romney.*] Do you mean that it was thought excessive for health generally, or excessive considering they were prisoners undergoing punishment?
Excessive for their health as prisoners, under all the circumstances of the case; he found, as he thought, that they were plethoric and full of blood, and suffering from diseases that showed over-feeding.

3718. *Chairman.*] Is it not, however, the case that the site of Millbank as a prison is supposed to be unhealthy, and that the ordinary amount of food which would be satisfactory in any other prison is considered to be below the requisite standard there?
Formerly there was reason to believe that Millbank was unhealthy; but now, I speak from my own intimate knowledge of the prison, and I also express the opinion of the resident surgeon, who is a most competent person to form an opinion upon that subject, that that state of things has passed away, and that Millbank is no longer an unhealthy site.

3719. What is the difference between the present diet at Millbank, and the diet as amended by the Committee in 1822?
The present diet of Millbank is only less by three ounces of food per week than the diet complained of as being excessive, but it is greatly in excess of the reduced diet which brought on the scurvy and dysentery.

3720. When was the diet raised?
After 1823 the diet was raised; they raised it immediately; medical men were called in, in consequence of the outbreak of those diseases; they took the requisite steps for the treatment of those diseases, and then recommended an improved dietary; which improved dietary, with alterations, which I could point out, has continued in existence up to the present time.

3721. In your opinion, as founded upon the experience of the medical superintendent of that day, and the facts which have come to your knowledge since, should you say that the dietary of 1822, previous to any alteration, was in excess?
I think it was in excess.

3722. And the present diet in Millbank, as I understand from your further evidence, falls short of that diet which you believe to have been in excess only by three ounces?
Only by three ounces per week.

3723. The diet of Class 4 or Class 5, in the county and borough gaols, corresponds pretty nearly, does it not, with the diet which is in force now in Millbank?
The dietary for Class 5 corresponds pretty nearly with it. The quantity of bread and the quantity of potatoes is the same in the two diets.

3724. Assuming therefore, generally, a correspondence between the diet of Class 4 and Class 5, in the county prisons, with the diet now given at Millbank, would

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would not the inference from those facts be, that the diet in Classes 4 and 5, in the county and borough prisons, is somewhat in excess of that which is necessary?

I think that a fair inference.

3725. Earl of *Romney.*] What are the points of reduction in those three ounces that you spoke of, and in what items?

The bread in 1822 was larger in quantity than the bread in 1863, at the present date; it was then 168 ounces; it is now 154 ounces of bread in a week. The meat, which was then 24 ounces, is now 35 ounces. The potatoes, which were then 112 ounces, are now 112 ounces; so that the difference consists in the reduction of the bread element, and an increase of the meat element, and the dietary at present is therefore somewhat stronger than the dietary of that time. But putting all the solid elements of the diet together, the scale which is now thought necessary falls short of the old dietary which was thought excessive by only three ounces.

3726. The improved quality quite makes up for the deficient three ounces in quantity?

Yes, quite so; so that the present diet is more liberal than that which was then esteemed excessive.

3727. *Chairman.*] You stated that that dietary, generally and roughly, corresponded with the dietary of Class 5 in the county and borough prisons; will you be good enough to compare Class 5 with the present Millbank dietary?

I will do so in one moment; but perhaps, in the meantime, your Lordships will allow me to state more distinctly than I have already done, that Dr. Baly devoted a great deal of attention to the question of the necessity of the potato element in the dietary; and I would venture to state to your Lordships, that there is no fact in relation to diet better established than the necessity of the potato element, or some equivalent vegetable element, existing in all diets. Then, before I proceed to make the comparison which your Lordships desire, perhaps you will allow me further to interpolate two matters of considerable importance, which will make the whole subject of the diet of prisons more distinct and clear. The first is some very important evidence which exists, that it is not essential to the health of a prisoner that there should be any meat at all in his diet. In the evidence laid before the Commission in 1823, there is a very important statement made on the authority of the Governor of Devizes House of Correction. I have quoted the facts at length in the evidence given before the present Royal Commission on Penal Servitude, before which I had occasion to appear: The dietary of the Devizes House of Correction consisted of 196 ounces of bread per week, 112 ounces of potatoes, or a pound a day, giving a total of solids of 308 ounces in the week; and there was only in addition to that, seven pints of gruel; and yet it resulted from actual weighings, made with great care, that the prisoners under this diet gained in weight very largely; and the governor states, in the most distinct terms, that the dietary agreed well with the prisoners, and that no loss of strength was noticed; that no prisoners could be more healthy; and he added, that "there is not now, nor has there been, any case of scurvy;" that was in 1823; that was the result with regard to prisoners with various sentences, long and short, who were weighed, and found to have gained weight upon that diet.

3728. Therefore, in your opinion, it would be quite possible, would it not, to construct a dietary of a farinaceous and vegetable kind, which should keep up the strength of the prisoners without the introduction of any animal food?

Quite possible.

3729. And it would be possible upon that dietary to impose upon the prisoners the 8 or 10 hours' work which the Legislature sanctioned in the original Gaol Act?

I think so. I have reason to believe that many of the prisoners that were put upon this diet, and thus weighed and reported upon, must have been doing a good deal of work in the prison; it is not likely that they should all have been idle; it is not distinctly stated what their employment was, but I have little doubt that many of them were doing a full amount of work.

3730. The Committee have had it stated in evidence that the two great elements in the composition of diet being a certain proportion of carbon and a certain proportion

proportion of nitrogen, it is quite possible, by a combination of the constituent parts of the diet, to find a substitute for that amount of nitrogen which exists in most of the prison dietaries in the form of meat in such food as milk and cheese, and I think onions and peas; is that your opinion also?

Quite so; there is no doubt upon that point.

3731. Carrying that argument one step further, it has also been stated in evidence that the imposition of a certain amount of labour is such a vital stimulant added to the system, that it would represent a certain proportion of nitrogen, and, consequently, that a certain proportion of labour might take the place of a certain amount of nitrogen as at present administered in gaols; is that your opinion also?

The exercise would, of course, tend to the development of the fleshy parts of the body which abound in nitrogen, and in that way labour might become in some sense a source of nutrition to the body.

3732. And that, consequently, by a due and scientific combination of nitrogenous food, such as milk and cheese, with the other kinds of food, and by the infliction of a certain amount of hard labour, you might be able to eliminate to a very great extent, if not completely, the element of meat, without weakening the prisoner unduly or impairing his health?

I think so.

3733. Are the Committee to understand from these answers that in obtaining this substitute for the nitrogenous element in food by means of hard labour, the result would be due to the greater facility in assimilating the food which would be produced by the vital stimulant which the hard labour would afford, or that it would be due to the exercise, such as stone-breaking, or some exercise of that sort carried on in the open air?

I think that the exercise which a man takes, whether you call it hard labour or any other labour, tends to promote the assimilation of that food which he eats, whatever it may be, and that over and above that, the fleshy parts of the body are more completely built up in the man who labours, be it hard labour or be it less hard labour. But wherever there is hard labour, you must always take care that there is abundant food.

3734. But whether you look at the matter scientifically, or whether you look at it with regard to your own experience in Millbank, you do believe that a dietary may be constructed upon the farinaceous and vegetable principle, capable of supporting the health of the prisoners under that amount of hard labour which it is reasonable to contemplate as being inflicted in any prison?

Yes; of course I mean that the food should be proportioned to the amount of labour which the prisoner has to do; but that the labour itself is wholesome, and tends to promote the due assimilation of that food which he does take.

3735. Earl of *Romney*.] You suppose the work to be performed under a healthy condition of the atmosphere?

Yes; it is better, of course, in the open air than under shelter.

3736. *Chairman*.] Medically speaking, is it not injurious to the health that the prisoners should be shut up for many hours in the day together without any hard labour?

Yes, I think it is injurious to the health.

3737. Earl *Ducie*.] Will the want of sufficient labour produce a lower tone of vitality amongst the prisoners?

Yes, it certainly does do so in those who are not prisoners; the vitality of a printer or a tailor is not equal to the vitality of the man who works out of doors.

3738. Does that lower amount of vitality prevent them assimilating their food in sufficient measure?

No doubt it does interfere with the due assimilation of the food.

3739. Under those circumstances, does the prisoner require more food when he assimilates his food badly?

I do not think he requires more; but he will somehow contrive to use up more, not wholesomely, or to his own advantage; but he will often eat more than

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his neighbour who is doing more wholesome work; I do not think he wants it, but he does eat it.

3740. It would be like a bad grate, which does not consume the fuel properly, would it not?
Yes.

3741. Earl *Romney.*] Very often he takes it to his own injury?
Yes.

3742. *Chairman.*] And, consequently, there is a waste of food?
Yes, there is a waste of food.

3743. It has been stated by some witnesses to this Committee, that the mere effect of imprisonment upon a man is to involve such an amount of depression as can only be discharged by a great increase of food; is this a fact which has been at all verified by medical observation?
It is not a fact, but an opinion, and it is an opinion which I myself do not entertain; I think that if you shut men up, and they lead sedentary lives, it is better that they should eat less food than those who are not so shut up, and who work harder.

3744. And you would apply that to the uneducated class, such as the majority of the prisoners are, as well as to the more educated men?
Yes, certainly.

3745. Is the increase or loss of weight in itself a certain evidence of the increase or loss of physical health?
It is not a certain evidence; it is naturally adopted as a test of a sufficient dietary, but it is not a satisfactory test; it has the advantage of being stated in numbers, and there is a great deal in that, but it cannot be taken by itself. Perhaps with regard to the subject of the possibility of establishing a vegetable diet, the Committee might wish that I should state another fact or two bearing upon that subject. My respected predecessor, Dr. Baly, published a paper in one of the medical journals, in 1843, on the prevention of scurvy, in which he expresses himself as follows: "There are many prisons," he says, "in which the diet, from its unvaried character, and the absence of animal food as well as green vegetables, is apparently most inadequate to the maintenance of health, and where, nevertheless, from its containing abundance of potatoes, scurvy is not produced. Stafford county gaol may be taken as an example. In this prison the weekly allowance of food consists of 12¼ pounds of bread, 21 pints of gruel, seven pounds of potatoes, and a sufficient quantity of salt. Neither meat nor soup is tasted by the prisoners, yet scurvy does not occur. I have recently had the opportunity of examining 70 prisoners who had been confined in Stafford gaol for periods varying from three to six months, and I could not find one who presented any trace of scorbutic disease." That would be a second case in point similar to the one which I have already brought forward. Then, to make this part of the subject complete, I may state, that we have in Millbank a penal class diet from which the element of meat is entirely excluded, and an ill-conducted prisoner will continue upon that diet for nine or ten or more months, and even as many as 18 months, and yet enjoy very good health.

3746. Without any variation of meat?
Without any meat at all; I must modify that statement so far as to say, that if in that time they happen to fall ill, which they rarely do, not more than the other class of prisoners, they would come under medical treatment, and their diet might be improved for a time, and they might perhaps get a little meat.

3747. Can you give the Committee any table of that penal class diet?
Yes, I can; our penal class diet consists of 84 ounces of bread per week, 70 ounces of Indian meal, 56 of potatoes, 70 of oatmeal, and 10½ pints of milk; those are the elements of it; there is no meat allowed.

3748. Are the Committee to understand that upon that dietary prisoners are sometimes confined and fed for 10, 12, and even 18 months, without any injury to their health?
Without any noticeable injury to their health.

3749. Would

3749. Would there be any objection, in your opinion, practically to adopting such a dietary as that for prisoners sentenced to one year's imprisonment in the county and borough prisons?

I think none.

3750. Are the men who fall under this penal class diet worked upon any hard labour?

No; on the contrary, they are shut up in their cells as part of their punishment, and are not put to any labour except picking coir. Occasionally, however, when they are taking their hour's exercise, they are put upon the pump for 20 minutes or so.

3751. Supposing you had the labour of the treadwheel, or the crank, or shot drill, or picking oakum, for those prisoners who are confined upon this penal class diet, would you consider it to be sufficient?

I think so.

3752. Would you see any objection to a man being worked for eight hours upon the treadwheel on that dietary, subject to the ordinary relief of one-third of each hour?

I see no objection to that.

3753. In fact, the Committee would gather from that statement that, in your opinion, meat is not at all an essential element in the dietary of prisoners, even for sentences as long as 18 months or two years?

I must speak a little doubtfully upon this point, because I have no direct experience to guide me, but I should say that it would be quite possible to confine prisoners for such a period, and give them the labour to do which is usually called hard labour, and yet that they would retain their health with that diet; but I have not sufficient facts to guide me, and I must state that only as an opinion.

3754. Do you state that as an opinion only up to 12 months, or do you state that as a fact which is known to your experience?

I should think it quite possible to go beyond 12 months, but I should be sorry to hazard a strong opinion extending beyond that.

3755. Lord *Lyveden.*] Has it no effect upon their spirits, producing a reaction upon their health?

I think none at all. Those men who are put upon the penal class diet are very troublesome men, and men who cannot be said ever to be in low spirits; they are even ingeniously troublesome.

3756. Then you do not think that it deteriorates the tone of their mind?

I do not think it does.

3757. Earl of *Ducie.*] Do the prisoners, on first coming into the prison, find the prison diet so different from that which they use in ordinary life that it has any effect upon them?

None whatever; they often ask for more bread, but it is simply because they must ask for something, and they are anxious to be making some request to the medical officer.

3758. Does being deprived of the alcoholic stimulants which they are accustomed to, have any effect upon them?

Not perceptibly. Cases of *delirium tremens* produced by the disuse of alcoholic stimulants are very rare with us indeed. I have seen but one or two cases in four years. I have not seen a case now for upwards of two years.

3759. Is it your impression that the health of the prisoners is better on your present prison diet than it is ordinarily out of doors?

I cannot measure the health of the prisoners against the health of the same class out of doors with any accuracy; but I can measure the mortality.

3760. But does their condition improve generally in prison?

Their condition, I should say, does improve in prison, that is the impression on my mind; and when I have weighed them, they having the ordinary prison diet which I mentioned first, I have found them, on the whole, disposed to gain weight, both those that are employed upon the harder labour of mat-making, and those that are employed upon the lighter labour of tailoring; they both gain weight under our present dietary. Prisoners in the penal class, both men and women, also retain their weight on the penal class diet of which I have just spoken.

 3761. Have

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3761. Have you ever met with cases where the lowest grade of prison diet has had a bad effect upon the prisoners?

Our lowest diet consists of bread and water. It is continued for three days, or sometimes longer. This bread and water diet is a special punishment diet, which cannot be continued with safety very long with men and women who are already prisoners. I think it could not be continued above a fortnight or three weeks, without some effect being produced upon the health; but then, it must be remembered, that they are otherwise under punishment.

3762. You state that they do thrive upon the penal diet?

Yes, they thrive upon it, and they prefer it to the monotonous ordinary diet of the prison, in which there are five ounces of boiled beef weighed after cooking, with the broth of the meat, every day, without exception; they prefer the penal class diet to that; and although the penal class diet, as the name implies, was intended to be a punishment, I know that it is not a punishment; they get a very good mess of oatmeal and milk in the morning, and of Indian corn meal and milk at dinner.

3763. Can the use of Indian corn meal be introduced to a greater extent than it is at present?

It is a very wholesome meal, and it may be used more largely than it is at present.

3764. Are you acquainted with the dietary of the military prisons?

The military prisons have, I think, no meat in their diet, except on the Sunday, in the case of prisoners in the first class. I do not say that from my own knowledge of military prisons, but I gather it from the report of 1857. I believe Indian meal to be a very wholesome article of diet; it contains more nitrogen than wheaten flour does, and it abounds in oil.

3765. It is more economical, is it not, than any other form of meal?

Yes; I believe it is the most economical meal we have; oatmeal possibly may be as economical; and it has more nitrogen than wheaten flour. At the present time the prices of Indian meal and oatmeal are exactly the same in Millbank.

3766. Does it produce any diseases at all?

None that I am aware of.

3767. Earl of *Romney*.] You stated a short time ago that you could measure the mortality of the prisoners against the mortality of persons out of doors; what is the result of that?

The result of that is that the male prisoners are more healthy than the inhabitants of those districts where they are likely to be found in London; their mortality is more favourable than that of the corresponding class out of doors. The mortality of the women is a little less favourable, but not much.

3768. Lord *Wodehouse*.] I do not understand you to recommend this farinaceous diet upon the ground that it is more distasteful to the prisoners, but because it is more economical, and more healthy?

Quite so; it is equally healthy. I do not say that meat is unhealthy, but this farinaceous diet is quite healthy.

3769. The principal advantage would be its economy, would it not?

Yes, its principal advantage would be its economy. I do not know that there would be any other advantage.

3770. Lord *Lyveden*.] Its being distasteful to the prisoners is an advantage, is it not?

That depends upon the way in which you regard the punishment, whether the intention is to be always punishing a prisoner through his diet.

3771. Lord *Wensleydale*.] Did I correctly understand you to state that the prisoners like this penal diet better than the ordinary diet in which meat is introduced?

They like it better than the ordinary prison diet. The ordinary prison diet is very monotonous; five ounces of boiled beef every day is very monotonous.

3772. *Chairman*.] I understand that they like it, not because they wish to give the preference to vegetable food over animal food, but because in the penal class diet there is a greater variety than there is in the ordinary dietary?

There is not a greater variety, but I think it is less distasteful. The same meat

day

day by day is more distasteful than the same weight of potatoes, porridge, and Indian meal pudding day by day. *W. A. Guy, Esq.*, M.B.

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3773. Are there medical reasons against making the diet monotonous?

I think that there are reasons medically against making it so monotonous as our diet is. We find that the best prisoners, and those that least complain, after a time lose their appetite, and they have a distaste for their food after some weeks or months of that monotonous diet day by day, and they ask to be put off their meat. I do not mean the worst class of prisoners, but those who are not given to complaining. And we do put them off for a little while; we give them rice pudding for a few days, and then we put them back again. That is frequently occurring.

3774. The absence of hard labour would probably have a tendency to increase that sense of monotony, would it not?

It would have a tendency to increase that monotony; you add the greater monotony of mind to the monotony of diet.

3775. Therefore, in that point of view, the loss of hard labour would be medically an evil?

Yes, it would be medically an evil; but at the same time we get a good deal of hard work done in the prison.

3776. Lord *Wodehouse*.] Do you think that it would be desirable to alter the diet after a certain period in all cases; say after two or three months?

I should not alter the diet so soon as that.

3777. How soon should you think it desirable, as a general rule, to change the diet, assuming the prisoners to remain in health?

I do not think that there is any necessity for the change at all, if they are in health; they may go on for months, or even years, together, with the same diet, if they continue in health.

3778. You do not think, therefore, that there would be any necessity for particular classes of diet, being what may be called better diet, as the prisoner remains longer in prison?

I am doubtful upon that point. I know that it is the general opinion of medical men; and that it was the opinion of my predecessor, Dr. Baly, for which I have a great respect, that it is the tendency of confinement to lower the tone and vigour of the prisoner, so that he wants more food. I am not satisfied upon that point, but it must be a matter of opinion; it is not ascertainable by any experiments that I can make.

3779. *Chairman*.] In 1856, I find that the diet in the military prisons was divided into two classes; the ordinary diet included, for breakfast, 8 ounces of oatmeal, and for dinner 9 ounces of Indian meal, and for supper 8 ounces of bread, with half a pint of milk to each meal. That was for periods of confinement below 84 days; and after 84 days the prisoners had for breakfast 10 ounces of oatmeal instead of eight, 12 ounces of Indian meal instead of nine, 8 ounces of bread (the same,) and half a pint of milk; would that, in your opinion, speaking generally, be a sufficient diet?

It would be sufficient, I think, in quantity, but then it lacks the potato element; the potato element should be in it.

3780. With the addition of the potato element you would not be afraid of such a diet?

I should not.

3781. I find that the diet which existed in 1856 has been altered in 1861, in the following manner. The ordinary diet for prisoners confined for less than 56 days' confinement, instead of 84 days, which was the original term, is as follows:—Breakfast, eight ounces of oatmeal and half a pint of milk; dinner, nine ounces of Indian meal and half a pint of milk; supper, eight ounces of bread and half a pint of milk. That would correspond pretty nearly with the ordinary first class diet which I previously read out under the old scale, with this exception, that it is for a shorter period. The second class has been materially altered. On four days of the week, 10 ounces of oatmeal for breakfast, 12 ounces of Indian meal for dinner, eight ounces of bread for supper, with half a pint of milk to each meal; but on the three other days of the week, Sunday, Tuesday, and Thursday, at breakfast eight ounces of oatmeal and half a pint of milk; at dinner, eight ounces of beef, without bone, before cooking; two pounds of potatoes, or eight ounces of bread;

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one pint of soup, thickened with one ounce of oatmeal and two ounces of vegetables per man, seasoned with pepper and salt; and at supper, eight ounces of bread, and half a pint of milk. In your opinion, does that seem to be a desirable change?

I think that the quantities are rather large; it seems to me to be an excessive diet, if I follow your Lordship's reading of it correctly.

3782. Is not the eight ounces of beef, with the pint of soup, which, of course, contains a certain portion of meat, a very large allowance of animal food to give at any one time?

I think it is.

3783. Would you consider that the former diet was sufficient, without the addition of those eight ounces of beef and the pint of soup?

I should think it sufficient, but I should require that there should be some of the potato element in it.

3784. Assuming always that the vegetable element was introduced?

Yes, I think so.

3785. You stated in the earlier part of your evidence that experiments had been made under your observation at Millbank; would you be good enough to inform the Committee what was the nature of those experiments of yours?

I took 25 men, who were mat-making, which is the hardest labour that the men have to do in their cells at Millbank, and I took 25 who were employed as tailors; they both lived in the same way, and had the same ordinary diet. The result of the experiments thus made, by repeated weighings, week by week, was that, although there were some strange differences and strange anomalies in the weights week by week, the general result, in both cases, was an increase of weight, the tailors gaining more than the mat-makers did. But there was no regular order as to gaining and losing; the mat-makers, for instance, might gain one week, and the tailors might lose that same week, and the mat-makers might lose the next week, and the tailors might gain; showing that these weighing experiments, although they are valuable, are not conclusive, and that it would be necessary, in order to get conclusive experiments, to repeat them very frequently, and to get at the causes of those variations from week to week.

3786. What would be the number of the experiments which you would desire to institute in order to come to some satisfactory basis upon which a scientific prison diet could be constructed?

I could answer that question more satisfactorily if the Committee will allow me to refer to the Pentonville experiments. When Pentonville was first opened, experiments were made under a committee consisting of Sir Benjamin Brodie, Dr. Ferguson and Dr. Owen Rees, all of them eminent and highly competent persons. They made three preliminary experiments, in which they found that a great number of prisoners lost weight, and then they made a fourth experiment, in which they gave these articles of diet. They gave 112 ounces of bread per week (which would be 16 ounces or 1 pound per day), 28 ounces of meat, 112 ounces of potatoes, 3½ pints of soup, 7 pints of gruel, 5¼ pints of cocoa, 14 ounces of milk and 1½ ounces of molasses. Those are the elements of the diet as given by them; and they found that, under this diet, 33 in 100 remained stationary, and neither gained nor lost weight; that 45 in 100 gained weight; that 22 in 100 lost weight; and they found that those who gained, gained more than those who lost; in the proportion of 1·55 to 1·50: the difference is very slight; however, those who gained, gained rather more than those who lost lost. I think that had I been making that experiment myself I should have been satisfied with this result, because I should not have expected, under any diet, that there should not have been a certain number who would lose weight. Such is the result of my recent experience in weighing prisoners at Millbank. However, the experimenters did not take that view of the matter, and then they proceeded to another experiment; they added on 4 oz. of bread per diem, or 28 oz. per week, leaving all the other elements of the diet the same as before; and then they found that 25 per cent. remained stationary (rather fewer than in the other experiment), 59 per cent. gained, being more than in the previous experiment, and 16 per cent. lost; those who gained, gained 1·84 lbs., and those who lost, lost 1·58 lbs; thus, again, those who gained, gained more than those who lost lost; and with that experiment they were satisfied. I feel obliged to state here, as I did before the Royal Commission, that I am not satisfied with the

the issue of those experiments; I am not certain that the first weighing in which the allowance of bread was 16 ounces per diem was not satisfactory, I should have thought it so myself, but having added on four ounces of bread per diem, or 28 ounces per week, and getting results so little more favourable than the former ones, I certainly should have deemed it necessary to experiment with quantities between the 16 ounces and the 20 ounces. This seems to me to be the defect in those experiments; and I mention it because great stress has been laid upon them, and they have been thought more conclusive than they seem to my mind to be.

3787. Is not the class from which the larger proportion of prisoners are taken a very depraved class morally, and a very weakly class physically, and would it not consequently be very difficult to feed those men up to such a point as that they would gain in weight rather than remain stationary?

I think that we need not take into account their moral or physical state, because the same result I think would happen with people out of doors; taking the average of people out of doors, a similar result would happen. In all weighings under all diets, some would be losing, and some would be gaining; but if you got such a result as was obtained in the fourth experiment at Pentonville, you would probably feel satisfied with it; and therefore I wish to express my opinion to the Committee that there is good ground for causing experiments to be made with one pound of bread per diem, and one pound of potatoes per diem, as a starting point, varying the quantities of meat, of soup, and of gruel; and I would suggest that in such experiments the bread should be brown bread, as it is more nutritious, and more economical. But whether the bread be white or brown, experiments are required which should take as their basis one pound of bread per diem, and one pound of potatoes per diem, and should vary the other elements of diet until a satisfactory result were obtained.

3788. Earl of *Romney*.] Why would you prefer brown bread?

The only bread used in prisons should, I think, be brown bread, partly because it is more nutritious, and contains more of the muscle-making element in it (the nitrogen which has been spoken of) than white bread does; and another reason is that if it were desired, the prisoners could grind their own flour, and the bread could be made within the prison, as is now frequently the case.

3789. *Chairman.*] Is there any objection to using all that there is in the wheat?

I think not; but that must be a matter of experiment. If it were found that by continuing the brown bread for a long time diarrhœa was occasioned, it might become necessary to substitute white bread on certain days of the week, but brown bread should be used as much as possible; I know that there are prisons in which they use it, and I do not hear that the prisoners suffer from diarrhœa; that is the only thing to be feared.

3790. We have already had it in evidence that the white bread is the most nutritious; you are probably not of that opinion?

I think that that is not quite correct. I think I can explain how it happens that you have had that in evidence. If we take the grain as it is, and grind it into flour, we get a certain quantity of the outer husk of the grain, which is perhaps not very nutritious, and that makes a coarser bran; then after that, you come to a yellow substance which is a part of the solid grain, and which contains a great quantity of nitrogen, more than the white inner portion does; and if you separate the outer portion which is not nutritious, and leave the other, you get far more nutritious flour than you would if you took only the inner white portion. The reason why the inner white portion is taken, and the outer yellow portion rejected, is partly that in the ordinary mode of making bread by fermentation, all but the very best qualities of flour change colour, through that outer portion getting discoloured. Under the new system of making the aerated bread, no discolouration takes place even with the worst kinds of flour; and therefore, if it were necessary, that system might be adopted.

3791. Lord *Wodehouse.*] Is there not, in fact, very great difference of opinion amongst persons, whose authority is good, as to which is the most nutritious, white or brown bread?

I do not think there would be any difference of opinion, if it were put in the way

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way in which I now put it; if you were to decorticate the wheat (to use a technical term), and take off the outer husk entirely, and leave the compact inner grain, and grind up the whole of that grain, the yellow outer portion and the white inner portion, you would find that that taken altogether is more nutritious than if you rejected the yellow portion, and took the white inner portion only. I think that will explain the source of the difference.

3792. Earl of *Dudley.*] That would be so, except for the discolouration, which in the old system of making bread always was the result?

Yes, and is the result now, as bread is commonly made.

3793. How much falling off in the weight should you say that a prisoner is capable of, before any damage was done to his health?

Taking the whole body of prisoners together, I should not like to see in them any material falling off in weight. I should be watchful as a medical man, if I saw that there was any material falling off in weight—say two pounds or three pounds a man—but I should be very glad to see some of them lose a great deal of weight; they would be all the healthier for it. Many men come into prison who have led idle and reckless lives, and have eaten and drunk more than was good for them, and who have got stouter than they should be, and such men are better for being brought down several pounds; but taking one with another, I should not like that there should be any great falling off in weight.

3794. In the course of a sentence of a year, should you say that a falling off of a stone would be at all likely to affect them injuriously?

Yes, one with another, certainly.

3795. Some prisoners are capable of it, and may be reduced with advantage; but taking one with another, a prisoner falling off at the rate of one pound per month, would suffer in health?

I think so.

3796. *Chairman.*] With regard to the question which has just been asked you respecting the superiority of brown bread over white, the following evidence has been given to the Committee by a witness who has been examined before them: In answer to question 998, he states, "I think it essential for prison diet that it should be white bread; or if not white bread, it should be of bran ground finely. My reason for this is, that it is shown that the bran of brown bread, as the husk of oatmeal, and the shells of peas, hasten the nutritive material through the bowels; we therefore have a larger waste of food if we give the bran with the bread, and the husk with the oatmeal, and the shells with the peas, than we should have without them." Would your experience enable you to confirm that statement?

Yes, I should agree with that statement. If whole meal bread were found to produce diarrhœa, I should expect it to prove less nutritious.

3797. Then the following question is: "Then the prejudice which prevails amongst the agricultural community, that the finest white bread is the best for them, and the most nutritive, is correct?" To which he replies, "Certainly it is correct; brown bread is the rich man's dietary, and not the poor man's dietary;" do you agree with that?

I do not agree with that view of it; I think brown bread is especially the poor man's dietary, and not the rich man's. I should reverse that answer; of course one would be very sorry to disagree with any medical opinion, but we are allowed to differ, and I think we could justify our differences if it were necessary.

3798. In your opinion, is it possible, with the medical knowledge which exists, and the experiments which have been already made, to construct a scale of dietary which would be satisfactory and safe for adoption, or do you believe that there are points which still require to be considered before any final measure could be adopted?

I think that we now possess sufficient knowledge to enable us to combine the elements of a good diet; but without experiment we do not possess sufficient knowledge to be able to say what the minimum quantity of those elements should be.

3799. It has been given in evidence by a previous witness, who agrees with you, that there are still some points which require to be determined authoritatively before a diet could be established upon a satisfactory basis, and the points which, in the opinion of that witness, it was necessary so to determine were these. He states

states in answer to question 914, "We want to determine precisely the effect" (by precisely, of course, the witness meant scientifically) "of meat, whether meat is necessary in any quantity, and in what quantity it is necessary. Then, whether fat, which is a dearer food than starch, with which it is analogous in composition, can be supplanted by starch, or in what proportion it must be given. Then we must also know what is the precise effect upon the system of those various punishments which are to be recommended; and having first of all decided upon those punishments of a definite kind, we must then know what would be the amount of food necessary to meet that particular case. So that we have a large series of points about which we are at present ignorant, and which are absolutely necessary to be understood before we can form a new scheme of dietary, but all of which information can be obtained by proper experiments in prison." Would your opinion go along with that view? *W. A. Guy, Esq., M.B.* 28th April 1863.

I think I may answer that, in a scientific point of view, it would be desirable to have such experiments made; but I do not think them necessary in a practical point of view. We do not want to ascertain those points with such minute precision as the term scientific would imply; we can get at them roughly. I repeat that I should myself like to see the basis that I have mentioned adopted, namely, one pound of bread per day, and one pound of potatoes (that is what was given in the fourth experiment at Pentonville), because the potato element is so essential to a sound dietary, and then varying the quantities of other things. I should be satisfied with making these experiments in the case of prisoners variously employed within our own prison, some with hard work, some with a little harder work, and some few could be found with no work at all, or such very light work as is almost tantamount to no work, for instance, picking coir, which is very light work; but I do not think it is necessary to make these experiments in so scientific a manner as is laid down in that evidence.

3800. And would you leave the determination to the judgment and the experience of the different medical officers in the different prisons?

I would not do that; if I could have my choice in a matter of that sort, I should say, put your experiments into the hands of some one man; if a committee were formed, the committee would become as one man if it were of any value at all; as a general rule, it is never of more value than the best man in it, and especially if it is to conduct experiments. It is better to select some one man in whom you can place confidence, if there be such a person, and get him to make the experiments required in some one prison, and then having made those experiments with great care, to extend their results to other prisons.

3801. I think the Committee understand that your view is, that though it is not absolutely necessary, in a practical point of view, that the point should be determined with scientific precision and minuteness, still that it would be very desirable to go into those different questions, with a view to obtaining an ultimate finality, so to speak, to the dietary basis, whatever it may be, which may be hereafter adopted?

It would be desirable to make such experiments.

3802. In the meanwhile, as a provisional measure, would you be satisfied with a dietary constructed upon the vegetable and farinaceous principle, such as you recommended to the Committee a short time since?

Yes, I should be satisfied with that.

3803. Earl of *Romney*.] In the event of potatoes failing, are split peas a good substitute?

No; split peas would not be a good substitute; cabbages would answer the purpose, or any other green vegetable; rice would not answer, nor peas; it is the potherb class which you want when the potato fails; but the best substitute that we could find would be, if oranges were cheap, some fruit of that kind. The potato contains a vegetable acid, either the acid of lemons or tartaric acid, it is not quite made out which; there is some little difference of opinion as to what the precise acid is, but it is a vegetable acid in combination with potash; whenever that is wholly absent from the food, scurvy will break out, whatever the dietary may be otherwise; and whenever that is supplied, scurvy will be cured, if it is supplied in sufficient quantity; that is one of the facts which we have best ascertained. I may mention that, in my opinion, the reason of the dreadful mortality which attended the pestilences of former times was

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fold: first, there was the want of a sufficient quantity of vegetables, not of potatoes merely, but of vegetables generally, in the dietary of the population. The population were many of them in a condition of scurvy, or verging upon it, and whenever the pestilence came, it was a pestilence supervening on the scurvy; the pestilence laid hold of scorbutic people, and that was one reason of the terrible loss of life which took place in the pestilences of former times. I do not think that the severity of those pestilences can be accounted for merely by the closeness in which people lived. I think it is necessary to assume also a want of that vegetable element in their diet.

3084. Lord *Wodehouse.*] Do you think that cocoa is a desirable article of prison diet?

Cocoa is a very good article of diet, and contains a good deal of that oily element which, if we could manage it, should always exist in food; it is better that there should be some oily element in food, and cocoa supplies that; it contains a good deal of oil in every part of it.

3805. Looking upon cocoa as rather a luxury, do you think it would be necessary to include it in prison diet?

Not necessary, certainly.

3806. Do you think that the same remark would apply to molasses, which is mixed with the cocoa?

I do not think that either is essential to prison diet.

3807. *Chairman.*] In the same way treacle, which takes a prominent place in some diets, in your opinion, would be unnecessary?

It is a very good article of diet, but it is not necessary.

3808. Do you happen to be aware whether the dietaries in the different county and borough prisons are very discrepant with regard to each other?

Very much so indeed.

3809. Can you give the Committee any information upon that point?

Yes. I think I can give the Committee some means of tracing the history of those dietaries. I think it likely that the Millbank dietary of some years since, was the model upon which the recommendations issued to the county and borough prisons were based. I find that as the Millbank dietary gives 22 ounces of bread per diem, or 154 ounces per week, so also does the dietary, No. 5, which is given in cases of hard labour for periods exceeding four months; and the distribution of the 22 ounces between breakfast, supper, and dinner is the same. The Millbank dietary gives 7 pounds of potatoes, and the recommended dietary does the same; so that it seems likely that those recommendations for Class 5 were based in some shape or other upon the dietary then in use at Millbank. Now the 22 ounces of bread at Millbank exceed by 2 ounces the 20 ounces at Pentonville, which 20 ounces were given as the result of the experiments to which I have alluded. Dr. Baly, my predecessor, when asked whether the Millbank dietary might be reduced in the element of bread to the lower scale of Pentonville, answered, that he thought not, because Millbank was unhealthy. So that in allowing 22 ounces of bread in Class 5 of the county and borough prisons, the example of Millbank was followed, which had the 22 ounces and retained them, merely because it was unhealthy.

3810. Therefore, the Government scale of dietary for the county and borough prisons, which might be supposed to be healthy, and to be under the ordinary circumstances of gaols and houses of correction, is framed upon an exceptional scale, namely, that of Millbank?

Yes, I think it is. That is the view which I have been induced to take.

3811. Lord *Wodehouse.*] Does that remark apply to the whole scale of diet, or only to one particular class?

Only to Class 5.

3812. *Chairman.*] You have gone through and analysed, have you not, the different dietaries, as given in the return to the House of Commons in 1857?

Yes, I have.

3813. Can you state to the Committee any results from that analysis?

I find that the dietary for Class 5 is as I have stated: 22 ounces of bread per diem, 16 ounces of potatoes, and 16 ounces of meat. At Millbank they have 35 ounces of meat. That class has also 11 pints of gruel, three of cocoa, and

and three of soup. Formerly, prior to 1854, we had soup on two days at Millbank; but Dr. Baly, when the cholera came, thought it expedient to strike off the soup and to put on the meat, five ounces every day. When the special necessity for that change passed away, the meat was still retained; no alteration ever took place afterwards. Now, the earlier diet at Millbank was a better diet and a cheaper diet, and it approximated to this diet of Class 5. *W. A. Guy, Esq., M. B.* 28th April 1863.

3814. Lord *Wodehouse.*] Does the adoption of that dietary imply that the county gaols have adopted five ounces of meat instead of soup?

No, because at the time when those instructions were issued Millbank itself had soup twice a week, and not the five ounces of meat every day.

3815. Then they adopted the dietary as it stood before Dr. Baly's alteration?

Yes, the two diets were very nearly the same at that time.

3816. *Chairman.*] Therefore a change which was essentially temporary in its nature has been converted into a permanent one?

Yes. The women in this 5th Class have 18 ounces of bread per day; one ounce less of meat on four days, and half a pound less of potatoes on each of those four days also, and the other elements are the same as with the men. I find on looking through this Return that 42 of the borough and county prisons have adopted the recommendations of the Home Office, in regard to this diet table for Class 5, and I could give the Committee some curious illustrations of the anomalies existing in the other prisons. What I am about to state is similar to what I have already stated before the Royal Commission; as it bore upon the subject of diet generally it was introduced into the evidence there given. If we take the element of bread, those dietaries are found to vary from the minimum of 30 ounces per week to the maximum of 224 ounces, exhibiting all sorts of figures, 30, 36, 68, and so on.

3817. Earl of *Dudley.*] What is the prison where they give 224 ounces of bread?

Huntingdon; that is 2 pounds per day.

3818. Lord *Wodehouse.*] Would that be to prisoners in the same class, or in a different class?

All the same class; I am always speaking of Class 5, and of no other at present. One large group, which includes Newgate, shows 168 ounces of bread per week. The Middlesex prisons and the Wakefield prisons show 140 ounces.

3819. Earl of *Dudley.*] But do we not find that there is a set-off to that minimum?

It is not always a full compensation. If we take the element of meat, it is found to vary from no meat at all, through 6 ounces, 8 ounces, 12 ounces, 18 ounces, and such numbers up to 25 ounces in a week. If we take the element of potatoes, it varies from 24 ounces, the least quantity in any prison, through 32 ounces, 56 ounces, and other numbers upto 112 ounces; that is one pound per day. The total of the solid elements of bread, meat, and potatoes, taken together, varies from a minimum of 100 ounces to a maximum of 340. But it should be understood that where the total quantity of solid elements is smallest, the dietary is sometimes, and indeed generally, improved by the addition of oatmeal and milk, with which they make milk porridge, or by Indian meal, or suet pudding; I have only compared together the same elements in all cases.

3820. Lord *Wodehouse.*] Your statement goes to prove the extraordinary variation of food in the quantity and nature of the dietaries, rather than to give an opinion as to the value of the dietaries?

Yes, to show how little they have followed the instructions of the Home Office.

3821. Earl of *Dudley.*] Must not that always be the case so long as there is a surgeon at the head of the establishment, and who is absolute in the matter?

The surgeon is never absolute, I think. Great attention is always paid to the opinion of the surgeon upon dietary matters, and he is supposed to be the best authority, but I should not have thought him quite absolute in such a matter as the general scale of dietary.

3822. The question was asked of a witness before the Committee, whether

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the governor of a gaol, with the consent of the visiting magistrates, could not reduce the scale of labour to anything he liked, and whether the surgeon of a gaol could not raise the dietary to anything he liked, and the answer was Yes, in both cases; do you concur in that opinion?

I think the witness must have meant that the surgeon might, in an individual case, put a prisoner upon any diet he pleased, but I do not think that he could raise the whole scale without consultation with the authorities of the prison.

3823. The question meant this; whether, if the surgeon took a humane view of the thing, he could not raise the scale of diet to an indulgent scale?

If a surgeon were to represent by a report to the prison authorities that he thought the diet insufficient, I have no doubt that his opinion would carry great weight with it, and would, probably, be attended to; but I should think that nothing short of a deliberate report on his part would lead to that result; it must be a deliberate, carefully drawn up, report.

3824. Lord *Wodehouse.*] Is it not the case that when once a dietary is fixed, which no doubt would be fixed after taking the advice of the surgeon, the only power which the surgeon possesses is either generally to represent to the magistrates that the diet is insufficient, with a view to a general change, or to order that any prisoner should have extra diet, on the ground of ill-health?

Just so.

3825. But the surgeon could not, on his own opinion, alter the whole scale of diet?

Certainly not.

3826. *Chairman.*] Are the Committee to understand, from one of your recent answers, that in the total of solids which you have calculated as being in the minimum 100 ounces, and in the maximum 340 ounces, suet pudding is not included?

It is not included. I should rather have said the solids that I had previously given, namely, bread, meat and potatoes.

3827. You would not exclude suet pudding as being a solid, would you?

No, certainly not.

3828. Looking at this very great variation in diet which you have described to the Committee, are you of opinion that as it is certain that it must be very injurious in a penal point of view, so it is probable that this variation may be injurious also in a medical point of view?

I can scarcely suppose that diets so various should all of them be right; but various diets, as every one knows, may suit the average of persons who are put upon them.

3829. From your experience of prison life, would you not say that it would be a great advantage to secure uniformity of diet in the different prisons?

I think it would be very important to establish uniformity of diet, and only the day before yesterday I heard from a magistrate, a visitor of one of our county prisons, that it was believed that prisoners were coming across from the county of Sussex to the county of Kent, and committing crimes in that county because they believed that if they got into prison they would be better treated in the county of Kent.

3830. An objection has been raised by some of the witnesses to uniformity of diet on this ground, that the population of England varies very much in its habits and in its general diet, and that what would be sufficient for one section of the population in the South would not perhaps be enough for the corresponding section in the North, or West, or East; but is it your opinion that you could construct, speaking broadly and generally, such a dietary as might be applied uniformly with safety and satisfactory results to the general population of England?

I think so. I think that such a dietary might be constructed, and you might lay down certain essential elements, say bread and potatoes, leaving other things as alternatives; for instance, either meat, or if it were preferred, Indian meal pudding; placing side by side the alternatives of the other things, but laying down as necessary bread and potatoes, and the quantity of them.

3831. You propose therefore to leave a discretion to the local authorities to adopt within certain limits a scale of dietary which in other respects would be uniform?

Yes. I think that that might be permitted with advantage, because the habits of the inhabitants of different parts of the country in the matter of diet vary so much, that it would be well perhaps to allow a certain variation in certain parts of the diet.

3832. Might it not also be possible to allow for the differences either in excess or in deficiency between the different parts of the country, and to frame your dietary so that no discretion beyond that of the surgeon, in case of extra diet, should be left to the local authorities?

I think that that would be quite possible.

3833. And you would not apprehend any injurious effects to the prisoners, or fear that the diet should be insufficient for the hard labour, which it is to be supposed should be performed uniformly in all gaols?

No, I should not.

3834. Earl of *Dudley.*] Do you include meat as one of the necessaries?

No; not as a necessary, but as an alternative; the only necessaries that I should define would be bread and potatoes.

3835. *Chairman.*] Does the treadwheel exist, or has it existed within your recollection at Millbank?

We have a treadwheel, but we do not use it, and it has never been used within my recollection.

3836. Have you a crank, and is the crank used?

Yes, the crank is used for pumping water.

3837. Is it a crank with one continuous shaft?

Yes.

3838. Does it form a part of the manual labour in the prison, or is it merely employed for the express purpose of raising water for the prison?

It is employed for the express purpose of raising water, and all the prisoners who are not exempted upon medical grounds are put upon it; even the women do their share at the pump.

3839. Do you, upon medical grounds, after your experience of it, see any objection to the use of such a crank?

No, certainly not; quite the contrary.

3840. Is there, in your opinion, anything prejudicial to the health of the prisoners in the use of it?

Nothing at all.

3841. Do you believe that it conveys a sense of degradation or of irritation to the minds of the prisoners who are so employed upon it?

No sense of degradation, certainly; no sense even of monotony; it is felt to be a change for the short time that they are upon it; it is a punishment only to those prisoners who would gladly escape from any labour at all.

3842. Earl of *Dudley.*] And therefore it is the better element of punishment?

Yes.

3843. *Chairman.*] But that monotony would exist equally in the case of picking oakum, would it not?

Yes, and therefore it is not liked; picking oakum is a very unpopular labour.

3844. Have you any knowledge of the use of the treadwheel?

I have had no experience of it at all.

3845. You are not prepared to say whether, medically, you consider it injurious or not?

I should say that it is not medically injurious.

3846. Do you believe that there is any serious appprehension of prejudicial effects to the health of the prisoner if the ordinary examination be made by the surgeon previous to a man being put upon the wheel?

Certainly not.

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3847. Are you at all conversant with the use of shot drill?
I have only heard of it; I may have seen soldiers so employed, but I do not know anything of it.

3848. Would you, on medical grounds, entertain any apprehension of the result of the shot drill, provided that in the same way the prisoner was subjected to medical examination?
Certainly not. In the case of ruptured men, or if it was thought that it would be too great a strain upon the muscles, then, of course, a man would not be put upon it; I am assuming medical examination in all cases.

3849. With regard to the shot drill, it has been suggested by one of the witnesses that the shot should be placed upon raised pedestals, so as to involve rather less exertion than stooping; would not that, in a medical point of view, obviate to a great extent the risk of rupture?
I think that that would obviate any possible objection.

3850. In some prisons, as perhaps you are aware, where hard labour does not exist either by the treadwheel or the crank, exercise in yards has been made the substitute for it; in your opinion is such exercise equivalent to the infliction of hard labour?
No; certainly not.

3851. But, on the other hand, where they have no labour by means of the treadwheel or crank, is it not, in a medical point of view, necessary to give some exercise to the prisoners by taking them into the yards for exercise?
Most assuredly it is.

3852. Would that, from your long experience of prison matters, be to the prisoners who exercise in those yards a punishment at all equivalent to the punishment which they would undergo at the treadwheel or the crank?
Certainly not.

3853. Are you acquainted with what is technically termed the hard labour cellular cranks?
No, I have no experience of them.

3854. Earl of *Dudley*.] Do you not believe that a man performing what is able to be given him now in prison as hard labour, which, generally speaking, is mat-making, would live well and be healthy upon no better diet than that which is the ordinary diet of the labourer out of doors?
I have no doubt that he would be in perfect health upon such food as a labourer out of doors gets.

3855. I ask you this question; of course a man out of doors is almost entirely ignorant of the best meat, of plain mutton, and still more of plain beef, and he knows nothing of cocoa, molasses, and things of that sort?
Yes, just so; the diet that a prisoner gets is as good a diet as a labourer gets, with the exception always of those labourers who receive the best wages, and who have the advantage of resident landlords; in such cases I think where the parishes are small they do live better than the prisoners in prison; I say that as the result of a recent inquiry.

3856. Over the country generally?
I can only speak of one instance in which I thought it right to make some careful enquiries in a short visit which I have just made to Cambridgeshire. I went through the houses of the village, and ascertained exactly what the labourers bought in the shape of flour (which was easily converted into its equivalent in bread), in the shape of meat, in the shape of potatoes, and in the shape of butter, lard, and dripping, and I took down the results; and in that village, which is very favourably circumstanced for that part of the country, the average quantity of food which the men and woment got, taking the solid elements, which are with them almost the only ones they get, the quantity of food per week is about 19 pounds to about 15 pounds consumed by the same number of adult male, together with the same number of adult female, prisoners. The labouring men and women get about four pounds more than the prisoners in Millbank, or than the prisoners in Class 5 of the county and borough gaols; but then that is a very favourable case. My impression is, that the well-off labourer in the country gets, on the whole, more food than the prisoner in prison; that is to say, in all our prisons except the convict establishments

blishments of Portland, Dartmoor, Portsmouth, and Chatham. He gets more as a labourer than he would get in Millbank on ordinary diet, and more than he would get in class 5 in county and borough prisons.

3857. If you were to state the average of all the diets that are given throughout the country, varying as you have shown them to do, we should find that the prisoner is kept very much above the average of the labourer, should we not?

That is my impression, but I have no facts to guide me.

3858. There is, of course, a very large difference between 30 and 240?

Yes; but then that 30 which I have given you, is only the one element of bread; the other elements have to be added to that.

3859. But bread is the staple, is it not?

Yes. In the particular case that I have referred to, a group of labourers' families, consisting of 21 adult males, 21 adult females, and 26 children, consumed, on the average, upwards of nine pounds of bread per week; rather less than a pound of meat in the whole week (by meat, I mean bacon chiefly, and pork; I do not mean fresh meat, which they very rarely taste, even in this well-conditioned village), less than six pounds of potatoes, and less than one-third of a pound of butter, lard, and dripping.

3860. Lord *Wodehouse.*] Have you reckoned nothing for vegetables, other than potatoes?

It is chiefly potatoes; they very rarely get anything else; very rarely greens.

3861. Earl of *Dudley.*] May we add any tea to that?

I have not ascertained that, because it would be very difficult to measure; it does not amount to much in any case.

3862. Do they drink beer?

That they do not often get; in harvest time they get beer, but at other times I do not think they get much; they may have a little, perhaps, occasionally.

3863. As a rule they do not drink beer every day?

No.

3864. But taking this, which you say is a favourable diet in a particular village, is not that which is given throughout the prisons in the length and breadth of the land very much greater?

No, it is less.

3865. But we find cocoa, milk, and molasses given in prison, and we find actually mutton and beef given to men not invalided?

Yes; but the quantity of bread is considerably larger in the case of the agricultural labourer, and that counterbalances the extra meat which is given in prison. If the labourer gets a pound of salt meat, the prisoner gets perhaps 24 ounces of fresh meat in the course of the week, but the labourer would get very much more bread.

3866. Therefore bread may be considered as a substitute for the meat which is now given in prison?

Yes.

3867. Lord *Wodehouse.*] The result of your experience would show that there is rather an exaggerated opinion as to the superiority of prison diet over the diet of our ordinary agricultural labourers?

Yes, I think there is an exaggerated opinion upon that subject. My own impression is, that the well-conditioned labourer gets rather more than the prisoner, but that the mass of the labourers throughout the country would get less.

3868. What is the ordinary rate of wages in that village in Cambridgeshire to which you have referred?

Twelve shillings a week, a little above the rate in the surrounding districts; it is a very favourably-circumstanced village for that part of England; the proprietor is resident, and there is great kindness shown to the labourers, so that, though poor, they are never in destitution.

3869. Earl of *Romney.*] It has been recommended by some of the witnesses, that at the beginning of a long sentence the diet should be low, and it should

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keep on rising at various periods during that sentence; do you believe that to be a good plan?

In general terms I should agree with that view, that it is expedient to improve the diet in the case of those prisoners who remain longest in prison.

3870. You do not think that any evil result would be likely to arise from having first lowered the tone of the prisoner, and afterwards increasing the food, when the power to digest was taken away?

No, not unless the change from one stage to the other were very abrupt; unless you added on a great deal at each time, and made great changes in the stages of diet.

3871. *Chairman.*] Adopting for the moment the scale as recommended by the Home Office, would you be prepared to make a prisoner who was sentenced to six months' imprisonment pass through the several stages till he had arrived at the 5th class?

I certainly should; I think that it would be both a simple and a desirable procedure to place every prisoner whose sentence is less than a week, and up to a week, and all other prisoners, at least for one week, upon bread and water; but in the case of sentences exceeding a week and falling short of three weeks, I think that I should make an addition of potatoes at the dinner; then, in the case of sentences exceeding three weeks and falling short of six weeks, I should make a very slight addition, such as gruel for breakfast and supper, or meat once a week. I should not make a great addition for such a short period; and then, for sentences above six weeks and short of four months, it might be desirable to give them, in addition to bread and potatoes, perhaps porridge twice a week, Indian meal pudding twice a week, soup twice a week, possibly, and possibly meat once a week, on the Sunday. I speak of this as a mere outline of what might be arranged. And then, lastly, for those whose sentences exceed four months, I should make some very slight and unimportant addition to that scale.

3872. But you would not be in favour of admitting six months' sentenced prisoners to the full diet of the 5th class at once, without passing through the preliminary stages?

Certainly not.

3873. Lord *Wodehouse.*] Is the answer which you have just given consistent with your statement, that you think that soup and meat are not necessary in prison dietary?

I am not speaking of what is absolutely necessary in what I have just said, but what I think desirable, though not necessary. After a time the prisoner must have something more than bread and water.

3874. Is anything desirable in prison which is not necessary in the way of diet?

It is difficult to answer that question, because it is difficult to say what little may be really necessary; very little might be absolutely necessary, and yet you would not like to give only that little; you would give something more.

3875. Earl of *Dudley.*] To make your answer to the question of the noble Lord in the chair quite clear, would you say that every prisoner sentenced to a long term of imprisonment should be carried through the gradual increase of diet from the lowest up to the highest?

I think he should.

3876. And you think that that could be done with safety to health?

I think so.

3877. And that it would be also a good system of punishment?

I think so; because in the case of prisoners who misconduct themselves they might be put back upon the earlier diets.

3878. *Chairman.*] Is there not, under the present system, this anomaly, that you inflict the shortest possible diet, which is the severest punishment which exists in many gaols, upon a prisoner who has committed a most venial offence, and that you give the fullest possible diet, which is the object of ambition to the majority of prisoners in the gaol, and for which, on their own avowal, some offences are committed, to a man who had been guilty of very great outrages?

With

With regard to venial offences, I may be allowed to say that I do not think the crimes for which men are condemned for short sentences are always to be considered venial offences. I take the serious crime of begging as an example. It is punished now by seven days' imprisonment. I know, and could state facts to show, that a mendicant is always, or almost always, at the same time, a thief; that the two occupations go together; that the man begs when he must and steals when he can; and even in the case of men who have committed the greatest offences, and who are in Millbank prison, even that class of men are both beggars and great culprits in other ways. Therefore, the man who commits the offence of begging, if he gets seven days, deserves also to have the low diet upon which he is put; and when you go on from that to sentences for longer periods, if a man passes through a week and goes on to a further term, there are other reasons for increasing his diet than the question of the gravity of his offence.

3879. *Chairman.*] Putting aside, therefore, the offence itself, have you not this anomaly, that you punish with the severest diet a short-sentenced man, and you punish with the lightest diet a long-sentenced man?

My answer to that is, that the offence of a short-sentenced man deserves bread and water for a week, and a long-sentenced man will pass through the bread-and-water stage for a week, according to my own theory of what is right.

3880. But under the existing system, is it not the case that you punish with the lightest sentence, with regard to diet, the long-sentenced men, who do not pass through those earlier stages, and that you punish with the sharpest diet the men who are short-sentenced prisoners?

That is so.

3881. Earl of *Romney.*] Are you acquainted with the diets of Class 1 and Class 2 in the Regulations?

Yes.

3882. Is not what you have been recommending as a scale to be found in those dietaries?

It is somewhat similar to those dietaries; but I would not even give oatmeal gruel for a week.

3883. Your scale would be rather lower than this?

Yes.

3884. Those classes have been designated to the Committee by one of the witnesses as starvation; do you concur in that?

I do not think so; I should not agree with any witness who said that bread and water for a week was starvation; that is an exaggeration, I think.

3885. *Chairman.*] In your opinion, is a reduction of diet a satisfactory mode of punishment for prison offences?

It is not to my mind a satisfactory punishment; it is a punishment which goes on too long; it has the disadvantage of going on day after day, and such punishments tease and worry and fret the prisoner, and give trouble to those who have to take care of him; therefore, they are not to be compared, for humanity or for efficiency, to flogging, and wherever flogging can be introduced as a punishment, it is a better kind of punishment than any dietary punishment that I know of.

3886. You would consequently view it as a most merciful punishment?

Yes, it is the most merciful punishment that I have any knowledge of.

3887. Have you from your experience found it to be a most effective punishment?

A very effective punishment indeed, in the majority of cases.

3888. Lord *Wodehouse.*] Are there not a great number of light prison offences which it would be impossible to punish by flogging, and which you can only punish by a reduction of the dietary?

Yes; there are some such cases; but at the same time, flogging, although a merciful punishment, is one of those punishments which should not be inflicted very frequently, because it would then in some degree lose its efficacy.

3889. Are not the large majority of prison offences such offences as it would

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be impossible to punish by flogging, and though it would be very desirable to retain flogging for serious offences, it would be impossible to substitute flogging for reduction of diet for the more slight offences?

The offences committed in the convict prisons are not often slight offences. In my experience in Millbank prison they would be most frequently serious offences, such as threatening the officers, striking the officers, destroying clothes, smashing windows; those are the offences which are now punished too frequently, as I think, by dietary punishments, and too rarely by flogging.

3890. Earl of *Dudley.*] You admit, do you not, the efficiency of a change of diet, and that a prisoner fears it?

I do not think it is very often effective; I think it frets them a good deal; it is a punishment, but it is not a good kind of punishment.

3891. You stated, did you not, that recourse might be had in case of necessity, to bringing the prisoners back again to the lower scale of diet?

Yes, in the case of a prisoner who committed an offence that might be deserving of a moderate flogging only; and taking a case in which flogging had failed, then such a punishment might be resorted to; but supposing the offence was not quite serious enough to deserve a flogging, then a dietary punishment might be resorted to, and in a large number of cases you have nothing else that you can inflict.

3892. Do you not think that the one point which men of that sort, men of an animal mind, look to, is the amount of food which they would have to eat?

They look to that, but I do not think they care much about it; when they have got their sentence passed, and have got three days' bread and water, they do not care very much about it, for three days.

3893. My question had reference rather to the longer sentences?

I can only say this, that sometimes when they have been put back to the penal class diet, which was framed for the purpose of punishing them, they have seemed to like it better than the ordinary diet.

3894. *Chairman.*] What is the present number of lashes which are given in the event of flogging being inflicted?

In Millbank formerly, and of course the same was the case in the convict prisons generally, four dozen lashes could be given; but a recent order has been issued limiting the number of lashes in the case of men, to two dozen, which I think is too small a number; you ought to have the power of inflicting four dozen *in terrorem*, although it would not be necessary often to inflict them.

3895. Might it not in some cases be much more merciful and much more effective to administer a flogging of four dozen lashes than two or three punishments of two dozen?

It might sometimes; and yet no one who has to allot the number of lashes could fail to take into account the nature of the offence, and he could not give four dozen lashes for every case; he must vary it. If the question is put in that way, it would be better sometimes to give four dozen than to repeat two dozen over again.

3896. Is it desirable, in fact, to limit so closely the discretion of the governor or the visiting justices with regard to the number of lashes to be given?

I think it is not only inexpedient, but positively wrong to do so; if a soldier or a sailor can receive four dozen lashes, a prisoner, who is as hearty a man, and as capable of bearing them, and a worse man, should certainly in common justice receive as much.

3897. From whom did that order issue?

It came from the Home Office.

3898. Was it made applicable to county and borough gaols?

I have no information upon that point.

3899. In your opinion, is the punishment of the dark cell useful?

My experience of the dark cell is, that we find both men and women going to the dark cell over and over again; the women will often commit offences

offences in order that they may go there; they have a certain morbid pleasure in being in the dark cell, and as the cells are side by side, and they can hear each other shouting and singing and cursing. They take a kind of pleasure in being there, and I do not think that the dark cells are of any service to the majority of prisoners who are sent there.

3900. In your opinion, would shot drill be a useful punishment for men for prison offences?

I do not myself think that those are good punishments which have no purpose except to punish. If the labour could be devoted to some useful purpose I should prefer it very much.

3901. Some witnesses have recommended that, either as a disciplinary stage, or as a punishment, guard beds should be used; in a medical point of view, would you have any objection to that?

There is not the slightest objection to the use of guard beds for a short time.

3902. Are you not of opinion that, as a general rule, whatever might be the offence of a prisoner, and whatever the punishment, that punishment should follow as close as possible upon the commission of the offence?

I think that it certainly should do so; but there is this difficulty in carrying the rule into effect, that the director, in the cases of Government prisons in and about London, only attends once a week; in Millbank he attends once a week for the men, and once a week for the women, and the cases must be reserved for his consideration till the day comes round; and as he has other prisons to attend to, he could not be summoned easily upon an emergency by the governor.

3903. It has been stated by a witness before this Committee that when a prisoner happens to be physically strong, and to have considerable courage and moral determination, it may constantly happen that he may with impunity disobey the orders of the gaoler; is that, in your opinion, a state of things which is satisfactory, or which ought to be allowed under any circumstances?

I think that under no circumstances whatever should a prisoner be able to set the discipline of the prison at defiance; power should be given to those who administer the affairs of prisons to counteract in the most humane manner every insubordinate act of a prisoner; they have not that power at present, and it is very much to be regretted that they do not possess it.

3904. What sort of power do you allude to?

I will take the case of a woman, because the treatment of women, is more difficult than that of men. They cannot be flogged. She breaks out; she begins by tearing her clothes off her back, and stands before you as naked as she was born. Her next step is to break her windows, and then to shout and make all the disturbance she can. Of course you must adopt some means of covering her, and you put upon her that which she cannot tear, namely, a canvass jacket; still she is in her cell; she lies on her back, and she drums upon the door of her cell, disturbing everybody about her; and the more painful it is to others to listen to the disturbance the more agreeable it is to her. The great evil of this system has been very frequently pointed out; and I myself suggested only the other day that it should be understood that when women make this disturbance, they shall have placed upon them what are technically called the *hobbles*, consisting simply of a padded leather strap round the ankles, and that fastened by a strap to the belt, supposing the woman to have a jacket on, which has a belt going round the loins. The effect of that is, of course, that the legs cannot be fully extended; she is placed upon her side, and she cannot kick any longer. I am informed that this is illegal, and therefore in that case we cannot remedy the evil; that is an example of the difficulty which is experienced. There should be a power of counteracting, without cruelty, every act of a prisoner by which discipline is destroyed, or the peace of the prison disturbed; but there is no power of doing that at present.

3905. Therefore, you would give the power to the authorities of the prison, or to the medical officer, to inflict that sort of punishment which would naturally seem contingent upon and appropriate to the offence committed?

Not to the medical officer; I hold that the medical officer should never inflict punishment; he is not a properly discipline officer, but he should so perform his functions as to promote the discipline of the prison. He ought not to

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interfere with it, but he ought never to inflict punishment. I venture to suggest that the right view to take of the functions of a medical man is, that he should have the power of restraint, not of punishment, in case of a prisoner doing that which greatly disturbs the other prisoners, or the officers of the establishment.

3906. Is solitary confinement one of the punishments to which you have recourse?

In our prison discipline solitary confinement is used in the first stage, and also with the penal class; those prisoners who are in the penal class are in a more severe solitary confinement, and upon a special diet too.

3907. By solitary confinement, are the Committee to understand that no communication of any sort or kind takes place, except that which is absolutely necessary on the part of the warder and the prisoner?

That is the solitary confinement which takes place with us in the penal class. In the case of the other prisoners, every Sunday twice, and every other day once, the prisoner is in chapel side by side with the other prisoners; he is also at school once a week; and he takes his exercise with other prisoners; and therefore he is not absolutely solitary; it is separation, but not solitary confinement. Those under punishment for the worst prison offences are kept more strictly separate, and even take their exercise by themselves.

3908. To what extent, in your opinion, medically speaking, could solitary confinement be carried?

That is an extremely difficult question. If it were really solitary confinement I do not know that I could answer it.

3909. I mean solitary confinement as modified by the existing arrangements in Millbank Prison?

The confinement is in separate cells, and is so far solitary. But the prisoners communicate a good deal with the officers, and they take their exercise, and go round the exercising-ground one after the other, so that they see the other prisoners; and there are many acts in the course of the day which bring them into the presence of the others; so that it is not absolute solitude.

3910. Is it safe to infer that the distinction between solitary and separate confinement amounts to this,—that in solitary confinement they have rather fewer opportunities of communication with other people?

That would be the distinction.

3911. Assuming that solitary confinement means that which you have described, what is the extent to which, in your opinion, you could, with safety, carry it?

I think that the solitary confinement we have at Millbank, such as I have described it, may be carried on with safety for one year. Our system of separate confinement does not appear to affect the mind injuriously. I do not mean to say that a prisoner who comes into prison upon the verge of unsoundness of mind, might not develope into full unsoundness in that time, partly because of the separation; but I am of opinion also, that a prisoner should expect that that may happen to him, and that the possibility of unsoundness must be taken into account as one of the results of his being in prison at all; and that the possible falling into illness should be taken into account as the possible result of his being in prison at all; so also if he does those things which bring illness upon him, such illness being in no case the fault of those who have to deal with him, he ought to suffer for his own acts, and we should not be required to prevent him from making himself ill. It is not reasonable to expect that; but it is now expected of us.

3912. Is there any other suggestion which you would wish to make to the Committee?

I have prepared a further statement, which might be rather important, in reference to the county gaols, with regard to the diet of class 1; prisoners sentenced to less than one week. It is the class in which they prescribe bread and gruel only. I thought it might be interesting to know, that 58 prisons conform to the suggestions of the Home Office, and that the other prisons give very various quantities of bread; for instance, 112 ounces, 126 ounces, 140 ounces, 168 ounces, 224 ounces,

224 ounces, and 280 ounces. In the gaol at Hertford they give 168 ounces of bread, and also gruel and soup; and in Pembroke, for all classes of prisoners, without exception, they give 2½ pounds of bread per diem. The amount of bread varies in the different gaols from 112 ounces in the week to 280 ounces; so that there is the same variety in that as there is in the other elements. I should be glad also to state, that the recommendations sent to the county gaols and prisons are extremely anomalous, in many points of view; that they do not seem to recognise any fixed relation between the quantity to be given to a man and to a woman. With regard to class 3, which is for sentences of more than 21 days and less than six weeks, with hard labour, the women who have more than 21 days and less than six weeks' imprisonment have 196 ounces of solid food; but when they come to have a longer term, more than six weeks and less than four months, they have only 170 ounces, and all that they get in return, as a counterbalance to that, is a single pint of soup extra per week, and an exchange of six ounces of meat for two pounds of potatoes. Again, while in class 1 a woman has as much bread for dinner as a man, in class 2 she bas just half as much; and while in class 3 she has for dinner six ounces of bread in place of eight, in class 4 the same difference is made for every meal. In class 5 she has six ounces of bread for eight ounces at breakfast and supper, but the same quantity at dinner, while the allowance of meat is reduced from four ounces to three, and of potatoes from a pound to half-a-pound. So that there is a great anomaly in this very table. This table, in my judgment, requires to be very carefully considered and amended.

3913. You would desire, in fact, to see a uniformity of diet for all prisons in England, whether county or borough, and you would desire to see that table made compulsory upon them?

I should like to see it made compulsory upon them; but, as I stated before, I should like to have certain elements in the diet fixed and compulsory, but to leave a latitude in certain other elements, those being mainly alternative; for instance, the element of meat, with the alternative of vegetable substances, containing similar supporting qualities.

3914. On the other hand, the Committee understand you also to say, that meat is not essential, and that you might find an equal amount of nutriment in other substitutes for meat?

I certainly think so.

3915. Earl of *Romney*.] At the same time you are in favour of having a dietary established as a basis, subject to variations to some extent, to meet the varieties of particular localities?

Yes; varying with the price of food or the particular habits of the district in which the gaol might be situate. These, I think, might fairly be taken into account.

3916. Earl of *Dudley*.] Except in cases of illness, you would also limit the discretionary additions to the diet?

Yes; I should allow no change to be made in the diet, except upon the written report of the medical man to the visiting justices. I should require that, and I think also some reference to a central authority, over and above that, if it were possible. At all events, the medical man should not be able to make any change, except in individual cases, unless upon a very careful report of the reasons which induced him to recommend the change.

3917. If you settled the basis of what should be the diet, namely, the amount of bread and potatoes given, and a discretion is allowed with regard to the addition of meat, according to local views, it may be a very large diet or a comparatively small one?

Yes.

3918. In one word, uniformity disappears from the opening of that door?

No, I intended to have said this, that with regard to all the elements, other than bread and potatoes, there should be an alternative element of diet, meat, for instance, or Indian meal, and that the quantity of the alternative elements should be prescribed; they might give either so much meat or so much Indian meal, leaving it to them to determine which.

3919. *Lord Steward*.] Provided the food contained a certain quantity of nutriment?

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That being of course assumed. There is only one other point which I think very essential in the matter of discipline. I was just asked a question with regard to the necessity of punishment following quickly upon the commission of the offence. There is a great want of punishments which I ventured to term, in my evidence before the Royal Commission, *Contingent Punishments*. I think it very important that it should be possible to say to a prisoner, "If you do a certain act you shall have an immediate certain consequence," and the director and visiting justices should have the power of saying that. I have seen such excellent results happen in more than one case, from causing that plan to be adopted in Millbank, that I should strongly urge that as a power which ought to be given; so that not only should a man be had up at the end of a week, perhaps, after he has committed his offence, to be adjudicated upon by the director, in the case of convict prisons, or by the visiting justices, in the case of the county and borough gaols, but that the director or visiting justices should be able to say to the man, "You are in the habit of doing or omitting to do certain things. You refuse, for instance, to go out to exercise. Well, if you do not go out to exercise when you are required to do so, as often as you refuse you shall lose your dinner."

3920. *Chairman.*] Are you not aware that the governor of a gaol has very much the power which you have described?

But that does not quite meet the case; I mean that a man should be distinctly given to understand that, when he commits offences which he is in the habit of committing, it is not necessary that he should be brought before the governor, or the director, for adjudication, but when he commits the offence the punishment should follow.

3921. In borough and county gaols the governor is actually on the spot, and therefore he could be in that man's cell in five minutes after the commission of the offence?

Yes; but that does not quite meet the case which I speak of; what I mean is, that if the man refuses to go out to exercise, he should lose his dinner upon that day without any further reference to the governor, or any other person in authority. This is the essence of that kind of punishment.

3922. Would not it be optional with the governor of a county gaol very much to lay down such a rule; does not that fall under one of the rules of discipline?

I do not know how that would be in county gaols, but I understood that it was not legal at Millbank; that there is the want of power to do it.

3923. Earl of *Dudley.*] Is it the practice that the case should be heard at the end of the week?

All serious cases are heard when the director comes; supposing a man commits an offence on a Friday, and the director comes on Thursday, he has to be kept till the Thursday before the matter can be heard, and the offender punished. The punishment is most wholesome when it is inflicted upon the prisoner immediately.

3924. In fact, that is another answer to the question of the noble Chairman, whether you did not think it a salutary thing that punishment should immediately follow the offence?

It is more than that; I mean that a certain consequence should follow a certain act, and that the prisoner should know it previously.

3925. *Chairman.*] Is there any other suggestion that you have to make to the Committee?

There is another suggestion that I should like to make; I should like to point out the present anomaly which exists with regard to the punishment of very serious offences within the prison; a man may make an attempt on the life of a warder, and he may receive merely a prison punishment for it, and not even be flogged for it; he is not of necessity tried for that offence, because (I speak of my own knowledge) there are cases where he is not tried for that very heinous offence at all. Therefore, he is better off than if he were not a prisoner. I should think it would be very desirable to consider whether a person being already in prison under punishment for an offence, and making not a simple assault, but a serious assault upon the life of an officer, should not be punished with death. I should think it ought to be so. I should like also

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to be able to express the opinion that a man, who is guilty of an act of mutiny in prison, should be liable to the punishment of death; but, at present, a man is better off as a prisoner, if he commits an offence within the prison, than if he were outside the prison and committed the same offence.

3926. *Chairman.*] Would not the natural course be that he should be indicted for such an offence?

That is the proper course, but it is not adopted uniformly; the Home Office, with regard to those offences, seems sometimes to indict and sometimes not to indict for precisely the same offence.

3927. Have you known, from your own experience, cases where an officer's life has been attempted by a prisoner, and where no punishment has been consequent upon the offence?

I know of two cases which occurred within a short period of each other, in which the prisoners were not tried for the offence; they were not flogged, but they were simply put back into the penal class for a certain length of time; it was simply a prison punishment which was inflicted upon them; no other notice was taken of the offence.

3928. Was the offence in those cases an attempt on the life of the warders?

Yes, a serious attempt upon their lives; in one case it was by means of a piece of iron, which the prisoner had contrived to pick up whilst he was taking exercise, and which happened to be lying about; he secreted it, and sharpened it up so as to make a dagger of it; twisted some cord about it, which he contrived to secrete, making a kind of handle; and he cut the warder through the forehead, dividing the artery of the temple, and of course endangering his life, and intending to destroy it. In the other case, the attempt on the warder's life was equally serious.

3929. Earl of *Romney.*] Since that, has there not been a case in which an assault of some kind was committed, and the man was tried?

Yes; but it is not uniformly the case; at least there seems to be no uniform rule; sometimes a prisoner is put upon his trial, and sometimes he is not. But I think it very important that such a Committee, as your Lordships', should consider how such very serious offences in prison should be treated, and more especially the broad question whether a man being a prisoner is not a greater culprit, when he does those things, than if he were not a prisoner at all.

3930. *Chairman.*] You would recommend that in every such attempt as that it should be made obligatory that the prisoner should be brought to trial?

Yes, certainly, and in addition to that, that it should be considered a more serious offence from the fact of his being a prisoner in prison.

The Witness is directed to withdraw.

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GEORGE PINSON, Esquire, is called in; and Examined, as follows:

3931. *Chairman.*] YOU are the Governor of Norwich Castle Gaol, are you not?

I am the Governor of the County Gaol.

3931.* How long have you held that office?

Nearly 20 years.

3932. What is the average number of prisoners who are confined in that gaol?

The average of 1862, was 125.

3933. May that be accepted as a fair average in past years?

No, there has been an alteration of late, which makes it not so, because one of the prisons in the county has been abolished, and consequently the prisoners formerly sent to that prison are all brought now to Norwich Castle; and I also receive prisoners under contract, from two boroughs.

3934. Were the abolition of that county prison, and the amalgamation of the borough prison with the county prison, effected under the powers of the Act?

One county prison has been abolished altogether, the county considering that the prison was unnecessary; and in the boroughs that I have alluded to, they found that the county could receive their prisoners under contract, and consequently

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sequently one borough prison was entirely abolished, and the other, that of King's Lynn, nearly so.

3935. Do you mean that the borough prisons of Thetford and Lynn have been amalgamated with the county prison under the powers of the Act of Parliament?
We receive their prisoners under contract.

3936. Are you not aware that there is a difference between the amalgamation of a borough prison with a county prison, and contracting, on the part of the county prison, to take the borough prisoners?
I am not aware of it; I think that there is no amalgamation with regard to taking those prisoners.

3937. At what rate, per head, do you contract?
At 4 *s.* 6 *d.* per head, per week.

3938. How many borough gaols have contracted with you?
Two; Lynn and Thetford.

3939. Has any difficulty been experienced in making arrangements for contracting with you?
No difficulty whatever.

3940. Is the county prison upon the separate system?
It is.

3941. Are all the cells certified by the Inspector?
Nearly all; as many as are in use, are certified.

3942. Will you state to the Committee what the distribution of the day is with regard to employment, exercise, chapel, instruction and sleep?
Every prisoner must be ready to leave his cell at six in the morning; he is allowed half-an-hour for the purpose of washing, and general exercise, cleaning, and so on; at half-past six they proceed to work: first of all, those who go to the tread-wheel are sent on to the wheel; immediately after they are put to work, other prisoners, who are employed at industrial occupations, are set to work, and are kept at work until about 10 minutes to 9, when they return, and come to the airing-yard and receive their breakfast, and each prisoner goes on to his cell; then of course there is their time for breakfast until half-past nine; at half-past nine they proceed to chapel; the chapel service, in the ordinary course of things, lasts about half-an-hour, or rather over that, and then they go on to their work again in the same order as in the morning, going on till 20 or 25 minutes past 12, so that the dinner may be served between that and 20 minutes to one; all then retire to their cells again, and are allowed an hour up to half-past one for their dinner; at half-past one every prisoner is again set to work, and continues working until half-past five; at half-past five they take any further exercise that may be required; and from that go on to their cells to their supper, for half or three quarters of an hour; after that, every prisoner is required to work in his cell at industrial employment of some kind or other, until eight o'clock, when bed clothes are given in, but the prisoners are allowed a reasonable time for reading, and so on, during that time; at half-past eight every prisoner goes to bed.

3943. Therefore, to put the whole of those details into a summary, the case would stand thus: labour about 10 hours in the day; washing cells, and exercise, about an hour and a half; chapel about half-an-hour; time to themselves in their cells for self-instruction, or for making their beds, about one hour, and sleep about nine hours?
Yes, that is the case.

3944. Earl of *Dudley*.] I do not see at what period they take exercise, unless you consider the treadwheel exercise?
There is a half hour of exercise in the morning. As soon as a man is washed (there is no standing still in the yard), he commences walking round the yard. Those who are at work or industrial employment are out a quarter of an hour before the others in order that they should have their washing and exercise, and they go up again before the others come from the wheel.

3945. Will you state to the Committee whether the treadwheel, as you employ it in Norwich Castle, is of the ordinary construction?
It is in separate boxes entirely.

3946. Consequently

3946. Consequently, the prisoners are in separate confinement, whilst they are on the treadwheel?
Entirely so.

3947. Have they any opportunities of communicating with each other in coming to or going from the treadwheel?
No; the officers are so placed on their way as to prevent that; there are four officers to conduct them from the cells to the wheel. It would be idle to say that such a thing as communication never takes place; but, on the other hand, I am prepared to say that, in a general way, such thing does take place; there are some few detections, of course.

3948. As a general rule they would be detected?
Yes.

3949. Is there no index or register by which the time of working on the treadwheel, and the number of feet ascended are marked?
The number of feet ascended are registered by the operation of the treadwheel, and also the speed of the wheel, which is two rounds per minute. At every 60 rounds the wheel by its own operation rings a bell and the men get off.

3950. So that the mere action of the wheel does register the amount of working that is effected?
It does entirely so. Every prisoner has an opportunity of seeing whether he is doing more than the regulations direct or not.

3951. Do you apply the wheel to any productive labour?
We apply it first to raising water for the use of the building, and after that it is used with condensed air, simply with a view of performing labour, so as to regulate the speed.

3952. That is to say, when a sufficient amount of water has been raised, you pump to waste?
Yes.

3953. Have you ever found that any sense of degradation is conveyed to the minds of the prisoners by that act; or that very great irritation is set up in their minds against the use of the treadwheel under such circumstances?
Never; I have never heard a sound of such a thing.

3954. Lord *Wodehouse*.] Was the treadwheel formerly applied for the purpose of grinding corn?
It was 20 years ago.

3955. Why was that given up?
Because taking the machinery altogether it was found that the labour cost more than it produced, and not only so, but you could not work any number of men in the same way as we now can.

3956. *Chairman*.] What is the amount of work which is required from every man at the treadwheel?
Half-an-hour each time, then resting 10 minutes.

3957. Do you mean that the 10 minutes follows the half hour, or that it forms part of the half hour?
It follows the half hour; if a man goes to work at half-past six, he will work until seven, at that time a bell rings, and he gets down, and sits still for 10 minutes, and then goes on again.

3958. How many hours a day is a prisoner employed on the treadwheel?
Taking in the 10 minutes, and looking upon that as work, it would be nine hours.

3959. Are there prisoners in Norwich Castle Gaol who do work upon the treadwheel for nine hours subject to the ordinary reliefs?
Yes.

3960. Do you use the crank at all?
No, I have no such a thing in the prison.

3961. Have you industrial occupation?
Yes.

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3962. Of what nature is it?

It is of almost every kind. I begin by door-mat making, and things of that sort; then we have weaving in all its branches, almost that I can bring to bear; I am not only weaving coir, matting, carpeting, and everything of that description, but I am also now weaving our own clothing. We then go on to shoe-making, also glove-making, and we do a great deal of hair picking, and work of that kind for cabinet-makers; indeed, every kind of work that I can bring to bear is done in the prison.

3963. Do you apply industrial occupation as a punishment to short-sentenced prisoners?

No.

3964. At what period in a man's punishment does the industrial occupation commence?

It would be useless to attempt to teach a man so as to do much good, except in hair picking and such like things under three months; I rarely take a man into general industrial employment who is not sentenced to something like six months' imprisonment.

3965. In proportion as industrial occupation is allowed to take place, you would reduce the work on the treadwheel?

Yes.

3966. Does every prisoner do some work on the treadwheel, provided that he is not medically incapacitated during the whole period of his confinement in prison?

No, not exactly so; supposing I take a man off the wheel, and he brings to bear that amount of skill and industry that I think he is fully capable of doing, or supposing he goes on fully to my satisfaction, and I see that there is really a chance of doing the man some good as well, he is kept at some industrial employment; but what I meant by my answer was that every prisoner first of all goes to the treadwheel labour, and then I judge whether or not there is anything about the man that is worth my endeavour to take him off it.

3967. Assuming the case of a prisoner who had been convicted and reconvicted a large number of times, and upon whom you thought it was impossible to make any impression by industrial occupation, would you hesitate to keep such a man, under the present system, at the treadwheel during the whole of his imprisonment?

I would keep him there the whole of his time.

3968. Even though that sentence extended to 18 months or two years?

I have had but very few cases where a man has been so often in prison as your Lordship has alluded to, and has had such a long imprisonment as that; but for a year I should keep him to the treadwheel.

3969. Have you never found any injurious results from the operation of the treadwheel which would lead you to suspend its operation?

There are some cases, undoubtedly, of men imprisoned for a long period, in which keeping them very close at treadwheel labour will bring very strong men down.

3970. What is the greatest length of time that you think you can allot to treadwheel labour, in the case of a man who is sentenced to six months?

I have plenty of persons who undergo the entire nine hours per day for six months, without the labour producing any injurious effects.

3971. But there are other cases, are there not, in which the treadwheel labour altogether ceases after a certain period, and it is replaced exclusively by industrial occupation?

Yes.

3972. How many hours in the day do you exact that industrial work?

From 10 to 10½ hours.

3973. Lord *Wodehouse*.] If a man misbehaves himself at industrial labour, do you put him back to the treadwheel?

Yes, provided he does not go so far as to commit a breach of prison rules; but he does not bring to bear the amount of skill and industry that he is capable of, I should send him back to the treadwheel, certainly.

3974. Earl of *Romney.*] A sentence of hard labour, as passed by the Court, is carried out, either on the wheel or at industrial labour, according to your discretion, is it not?
Yes, it is so to a great extent.

3975. Earl of *Dudley.*] If a man is capable of hard labour on the wheel, you begin with the wheel, do you not, in every case?
Yes.

3976. Is it considered a punishment by the prisoner if he is made to go back to the wheel?
Yes, he looks upon that as a degradation to him.

3977. He is afraid of that punishment?
Yes.

3978. *Chairman.*] You state that the prisoner looks at it as a kind of degradation; you mean a degradation in this sense, do you not, that having been in a higher class of prison discipline he is put back to the lower class?
Yes.

3979. But you do not mean to say, that work upon the treadwheel produces in the mind of the prisoner a lowering and degrading effect?
No, that is not my meaning.

3980. Do you, with the industrial occupation, assign task-work to the prisoners?
I cannot in many cases very well do that; we judge pretty well of the men according to circumstances; but you cannot, in industrial employment, always assign a given quantity of work to a man.

3981. Is it not a very great difficulty, in industrial occupation, to measure the amount of work by a man's special ability?
No; I do not find any difficulty in that at all.

3982. Do you never find yourself deceived in that respect?
It would be idle for me to say that I never was deceived; but, speaking generally, I do not think that I have been very much deceived.

3983. Under what circumstances is the instruction given in your prison?
There is a schoolmaster appointed who does nothing else, and also every officer of the prison is a kind of sub-schoolmaster; the prisoner is authorised to ask any officer in whose presence he is for instruction, and the officer is bound to give him an answer.

3984. Do you allow the warders to communicate with the prisoners on indifferent subjects?
Certainly not, as to general conversation.

3985. Therefore the communication would be limited to a question and answer with regard to some matter of education?
Yes.

3986. How often does every prisoner go into school?
Speaking generally, I think they reach the school once a week, but the schoolmaster also visits the prisoners in their cells, and gives them other instructions beyond assembling them in the school.

3987. When in school how long does the instruction last?
Perhaps an hour or an hour and a half, according to circumstances.

3988. Is it a matter of arrangement between you and the chaplain, or the schoolmaster, that a certain number of prisoners shall be taken in rotation, from a certain class, once during every week?
I leave that entirely in the chaplain's hands, unless there is any special circumstance that the chaplain wishes to communicate to me.

3989. Does the chaplain select the prisoners for instruction, at his own discretion, from the different parts of the gaol?
Yes.

3990. Does not that lead to some difficulty, and cause some confusion in the regular distribution of the work?

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I have not experienced any; supposing that a man was about any particular job, for instance, that I really wanted to have him finish, then I have nothing to do but to say, "I should be glad if you would take A, B and C to-morrow for school, instead of to-day;" but that is the only thing which has ever occurred, in any way.

3991. Have you a schoolroom, or do you make use of the chapel?
We have a schoolroom adjoining the chaplain's room.

3992. What is the number of prisoners engaged in class at the same time?
There would not be above eight or nine at any time.

3993. Who would be present in the room at the time of instruction?
No one but the schoolmaster.

3994. Would you not have a disciplinary officer?
No; it is understood that the schoolmaster is to take charge of those prisoners, and not to allow any communication to take place between them.

3995. Are the prisoners separated from each other by any compartments?
No.

3996. Are there any separations or stalls in the chapel?
Yes, there are several boxes in the chapel; the chapel is of a semicircular form, and the prisoners are ranged off in classes.

3997. Consequently, are the prisoners in the chapel so separated from each other that they cannot communicate with each other?
Only the classes are separate. There are perhaps 20 or 25 persons sitting together, and one officer is sitting in front, seeing the countenance of every individual, and another officer is seated behind them, or amongst them, in order to hear or see anything that might be going on.

3998. Has that always been the system in Norwich Castle?
Yes.

3999. You are aware that considerable difference of opinion exists with regard to that system which separates the prisoners one from the other when in chapel by means of stalls or compartments, and that system which permits of the association of the prisoners during the hours of service. Which is the system that, from your experience, you would consider desirable?
I have not the most remote objection to their being placed in bodies; indeed, I give the preference to it.

4000. If I understand you, in Norwich Castle the association is not complete, inasmuch as the different classes are separated off the one from the other?
Yes, they are, in consequence of the formation of the chapel; but supposing that the chapel was so constructed that I could have it on one open inclined plane, so that everybody could be sitting in such a position that you could see all of them thoroughly, I should have no objection to their being so placed.

4001. Do you not think that the absence of compartments leads to a good deal of communication?
No, I think not; it is a very rare thing indeed that we have a complaint of anything of that kind in the chapel.

4002. How many officers have you in the chapel?
In the chapel there would always be seven officers present, besides myself, and sometimes eight.

4003. Viscount *Eversley*.] How many prisoners do you say there would be in each compartment of the chapel?
That depends upon the class to which they belong; each compartment would hold 25 or 26; it would depend upon circumstances.

4004. *Chairman*.] Upon what principle would you classify those prisoners; would it be according to conduct, or according to length of sentence?
Felons, misdemeanants, prisoners waiting for trial, and so on.

4005. Earl of *Dudley*,] You do not mix those classes, I presume?
We do not.

4006. *Chairman*.]

4006. *Chairman.*] Of course there are always some prisoners in every prison who are more difficult than others to keep in order; would you class all those who were very difficult to manage in one of those divisions?

I have not had a very great deal of difficulty in that way; assuming that a man was something very bad, I should take care that he was by himself in some way or other; but I have had so few cases of that kind that no difficulty has arisen; the number of punishments in the gaol I may say has been small, and yet the fullest order has been maintained.

4007. In the case of prison punishments inflicted for breaches of the prison rules, have you found corporal punishment very effective?

I have not applied it for many years; I have no occasion to do so, for the last 16 or 17 years.

4008. Would you be willing to surrender that power?

I think it as well to retain it; but I am pleased to say that we have not found it necessary to resort to it; and, beyond that, I may say that it is very rare indeed that I have exercised the extent of my own authority; I happened to look into that matter last night, and I found that during 10 years I have only exercised the extent of my own authority 11 times; that is to say, to the extent of punishing a man with three days' bread and water.

4009. During the course of the time that you have been governor of the gaol, have there not been instances in which prisoners have attempted to do acts of violence upon the officers or the warders of the prison?

I have had two instances of that kind since I have been governor.

4010. In such cases, what in your opinion is the proper punishment?

In the case of one of those men, corporal punishment would have followed, had the man been capable of bearing it; but he had palpitation of the heart, so that it could not be inflicted. But the other case was a very slight matter indeed.

4011. May not cases possibly occur in which it may be desirable to retain that power?

I think it is desirable to retain the power, certainly.

4012. Are there not cases of repeated disobedience, destruction of prison property, destruction of clothes, and very filthy and indecent conduct, in which cases it is desirable to retain the power of inflicting corporal punishment?

I think so.

4013. Do you make any use of the dark cells?

I have not such a thing in the prison.

4014. Where is a man confined when he is punished with bread and water, and confinement to his cell?

In his ordinary cell.

4015. Have you any good-conduct marks?

No.

4016. Therefore I understand that the only punishment which at present is in force would be the reduction of diet?

Yes; confinement to his cell, and reduction of diet.

4017. Do you ever have recourse to solitary confinement as distinguished from separate confinement?

It would be solitary confinement, if a man is entirely confined to his cell, and not allowed any communication. Supposing I find it necessary to continue the punishment to any extent, he does not come into the yard when any prisoners are there, or come into contact with them in any way; consequently, it really becomes solitary confinement.

4018. Has he not the power of communicating with the different warders and turnkeys?

Yes.

4019. Earl of *Dudley.*] Does not he see you every day?

Yes.

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4020. Does not he see the chaplain every day?
Yes.

4021. Does not he see the surgeon every day?
Yes.

4022. Then it is not solitary confinement, being only as solitary as you make it by withdrawing the man from the yards?
In all cases where a man is sentenced to solitary confinement, he must see the officers of the gaol. I am bound to see every prisoner in solitary confinement, and so are the surgeon and the chaplain.

4023. So that even the case of solitary confinement admits of his seeing three or four or five persons every day?
Yes.

4024. *Chairman.*] What is the scale of diet which is in use in your gaol; is it framed upon the Government scale?
Yes.

4025. Is it the same as the Government scale?
Yes; this is the dietary table (*delivering in the same*).

4026. In your opinion, is that scale satisfactory?
To my mind it is.

4027. Are you of opinion that the first and second classes afford a sufficient diet for the prisoners who are sentenced under those classes?
Speaking of seven and 21 days, I think they are.

4028. You consider that the amount of dietary is just what is required by prisoners under these circumstances?
I do.

4029. Do you consider that the 4th and 5th Classes are rather high?
Provided we really carry out a wholesome system of discipline, I think they are not; when I say a wholesome system of discipline, I mean such discipline as ought to be carried out; and then I really do not think they are too high.

4030. Can you suggest no amendment in your scale of dietary?
Conscientiously, I cannot.

4031. Do you believe that each stage is suitable to the different classes of prisoners to whom it respectively applies?
I do.

4032. *Lord Steward.*] Do you think that a reduction of that scale would have the effect of deteriorating the condition of the prisoners?
I do, decidedly.

4033. You think it is not more than sufficient to keep them in a healthy condition?
I think not; particularly when I recollect what I have seen in the case of prisoners under the old dietary, which was not so nutritious as the present; and I know what the effect of that has been: it has led me to that conclusion from constantly seeing them reduced by scurvy to such a state that you could carry out no discipline upon them.

4034. Earl of *Dudley.*] Is not that more as regards the material than the quantity?
I do not think they get too much to eat.

4035. *Lord Steward.*] Do you think that, without rendering the food less nutritious, you might advantageously render it less palatable?
Perhaps you might in some way do that, but I certainly would not alter the quantity of nutriment, by any means.

4036. Earl of *Dudley.*] Do you make every prisoner who comes into your gaol pass through every degree of diet; that is to say, when a man first comes in, does he begin with the lowest diet?
No; we put him at once upon the diet to which he belongs.

4037. Viscount *Eversley.*] You do not consider that there is an excess of meat in the prison diet?

I do not.

4038. Duke of *Richmond.*] When you state that you take the prisoners off the wheel and put them to industrial labour, are the Committee to understand you to say, that you do not do that in the case of sentences under three months?

No, I do not think it is at all worth while.

4039. What is the short time that they remain upon the wheel before you put them to an industrial occupation?

That depends a great deal upon the man himself, and the opinion that I may form of him and all the surrounding circumstances; some, perhaps, are taken off in a month's time, and some in two months.

4040. You state that the opinions that you form of a man influence you in putting him to industrial labour. What are the opinions that you allude to, and what means have you of forming them?

I first look at all the circumstances which I can possibly gather in reference to the man himself; what his circumstances in life are; whether it is his first offence, and various other things; and then I also see what his conduct is, whether he really promises anything that is worth doing; and then after that, if I become satisfied that there is a reasonable chance of his doing any good, and profiting by industrial employment, I try him.

4041. You say that you take all the surrounding circumstances into consideration, and you also say that if you think he can be profitably employed you give him a chance; do you mean that a man who did not display any talent or aptitude for industrial labour would be kept to the treadwheel, whilst others who evinced aptitude for it would be put to industrial labour?

That would have some bearing upon it, undoubtedly; but all that my observations meant was, whether I thought the man could be profitably employed to himself as well as to the county; whether I thought he was such a person as that his being employed in industrial occupation would be beneficial to himself.

4042. Would the question as to whether it is any benefit to the county or not enter into your consideration?

Not as much as whether I could benefit the man.

4043. Viscount *Eversley.*] Would it enter in any degree into your consideration?

If I thought that he was of no use at all it would be no use employing him.

4044. Earl of *Dudley.*] If you get a Norwich man, and he knows a trade, are not you inclined to put that man to labour which will begin to pay, as soon as possible, instead of wasting his powers at the wheel?

Not unless he showed that in a satisfactory way to me.

4045. The object of the noble Duke's inquiry is this; are you governed as to your punishments by the consideration whether money can be made in order to pay the expenses of the gaol, and so save the county from expense.

Not so much by that as I look to the discipline and to the benefit of the man himself.

4046. Duke of *Richmond.*] The power of taking a man from the wheel and putting him to industrial labour, is solely in your hands and in your discretion, is it not?

It is pretty well so. Of course, if there is anything upon which I feel it is necessary to consult the visiting justices, I do so. The plan is, that each visiting justice takes a month, and he visits the gaol once a week during that month, and then any circumstance that may occur to myself during the week, I mention to the visitor for the time being.

4047. Have the visiting justices laid down any code of rules which would direct you in your conduct in this matter?

They have not.

4048. Then it is entirely left to your discretion, subject to any consultation which you may think advisable to have with the visiting justices?

Yes.

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4049. And it might so happen, might it not, that for a long period you might never resort to the visiting justices for their advice?
It might be so, if there was nothing to need it.

4050. Lord *Wodehouse.*] Is not that system open to this objection, that it leaves so much to the discretion of the governor, that it is possible that the governor might be oppressive to the prisoners?
Of course he might be so, undoubtedly; but at the same time I think I may say on the other side, that the gaol being visited, as it is, every week, and the prisoner always having opportunities of complaining, I do not see how very much oppression could possibly take place.

4051. Do you think that, by a system of marks or good conduct badges, that objection might be remedied?
Yes, I think it might.

4052. I mean, would not the visiting justices, if a prisoner was obliged to gain so many marks before he was placed at industrial labour, have an opportunity of knowing at any time whether any given prisoner had been treated according to the rules laid down?
Yes, undoubtedly.

4053. *Lord Steward.*] Is it your primary object to reform or to deter a prisoner?
I embrace both those objects, of course.

4054. Do you conceive that the system now in force in your gaol has that double effect?
I think it has, to a very great extent.

4055. Can you reasonably hope to reform a prisoner who is sentenced for a short period?
For a very short period it is nothing but punishment, of course.

4056. Has the number of re-committals increased or diminished in the last few years, since your present system has been in operation?
Taking them at an average of 10 years, my re-committals come out as near as possible to one in six; I have had within the last two years a slight increase of re-committals, but I attribute that in a very great degree, and without, I hope, saying too much, to the circumstance that in the last two years I have had a fresh class of prisoners, namely, prisoners brought to me from other prisons; I cannot quite say whether it is due to that entirely. In 1853, I had 831 committals, and 159 re-committals; in 1854, 794 committals, and 129 re-committals; in 1855, 688 committals, and 105 re-committals; in 1856, 542 committals, and 81 re-committals; in 1857, 557 committals, and 78 re-committals; in 1858, 597 committals, and 95 re-committals; in 1859, 520 committals, and 88 re-committals; in 1860, 483 committals, and 97 re-committals; in 1861, 691 committals, and 119 re-committals; in 1862, 862 committals, and 172 re-committals; making a total of 6,565 committals, and 1,123 re-committals in the last two years is something like one in five.

4057. Can you give a similar table for the preceding 10 years?
No, I cannot.

4058. *Chairman.*] Have you any suggestion which you would wish to make to the Committee?
No.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday, One o'clock.

Die Jovis, 30° Aprilis 1863.

LORDS PRESENT:

Duke of RICHMOND.	Earl CATHCART.
Duke of MARLBOROUGH.	Earl of DUCIE.
Marquess of SALISBURY.	Earl of DUDLEY.
LORD STEWARD.	Viscount EVERSLEY.
Earl of CARNARVON.	Lord WODEHOUSE.
Earl of ROMNEY.	Lord WENSLEYDALE.

THE EARL OF CARNARVON, in the Chair.

Evidence on Prison Discipline.

W. Linton, Esq.

30th April 1863.

WILLIAM LINTON, Esquire, is called in, and examined as follows:

4059. *Chairman.*] YOU are Governor of the West Sussex County Gaol at Petworth?
I am.

4060. How long have you held the office of Governor of that gaol?
Six and a quarter years.

4061. What office did you hold previously?
I have been a governor of prisons over 15 years, and a subordinate officer sufficiently long to make it over 20 years.

4061*. Earl *Cathcart.*] Had you been brought up in a prison during your previous life?
I have been for more than 20 years a prison officer. I commenced at 18 years of age.

4062. Where did you commence your prison duties?
At Pentonville.

4063. How long were you at Pentonville?
Four years and a half; from the opening.

4064. Consequently the whole question of prison discipline has been very much before your mind for many years past?
It has.

4065. What is the average number of prisoners confined in the West Sussex gaol?
The number varies very much indeed; I left 89 prisoners there this morning; last quarter the daily average was 92, and sometimes it is as low as 60.

4066. Is that gaol on the separate system?
It is a modified species of separation.

4067. Will you explain what you mean by that?
I mean that the separate system is not carried out in all its strictness; every prisoner has a separate cell, but we bring them together at chapel; our airing yard is an open yard, and not walled off separately; at the wheel they can see each other, though they are not allowed to communicate; and while they are on the wheel they are in separate compartments: when working at the cranks they are kept of course more strictly separate.

4068. Are the cells certified by the inspector?
They are not, and the probable reason of that is that the separate system originated at the Petworth gaol, and we consider that we have a prescriptive

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right to use them without a certificate; at any rate I know that we carry out the separate system as strictly as is done in many certificated prisons.

4069. What is the size of the cells?
We have 30 cells 13 feet by 10 feet area, and nine feet high to the crown of the arch, and 60 cells nine feet by six feet area, and 10 feet high, square.

4070. Practically, therefore, those cells are not very inferior in size, and in the amount of air that they contain, to those cells that are ordinarily certified by the inspector?
I think those cells that are 13 feet by 10 feet area are much superior to the ordinary run of separate cells; and the others are a very fair size for limited terms.

4071. How are they ventilated?
They are ventilated externally and internally; it is not upon the modern system of ventilation, but still it is an effective one.

4072. Has the inspector ever raised any question on the ground of the cells not being certified by him?
He has not.

4073. I presume that you mean by internal and external, that the ventilation is partly external and partly internal?
Yes; there is a window which opens to the external air, so that it can be admitted directly.

4074. Earl of *Romney*.] What causes the internal flue to act; what causes the current of air?
Our prison stands high.

4075. With what does that flue communicate?
With the passages and with the roof.

4076. *Chairman*.] How many visits does the inspector pay in the course of the year, as a general rule?
I have been at Petworth over six years, and I believe he has paid four visits in that time.

4077. That is, in point of fact, not one visit in a year?
It would be about one in every year and a half.

4078. During the course of his visits, how long a time is he within the gaol?
I think he is there from about two to three hours.

4079. Does he pass through every cell?
He does.

4080. Does he speak to every prisoner?
He does.

4081. Does he subsequently communicate with you?
He does.

4082. Does he leave any record of his visit in writing?
He does not.

4083. The amount of time given to you and to each individual prisoner must necessarily be very small?
Yes, it is necessarily so. He sends for the prisoners, and he tells them who he is (of course in the absence of the officers), and he asks them if they have any complaint to make, or anything to say to him.

4084. Is the discipline of your gaol, in your opinion, a severe discipline?
I think it is decidedly severe.

4085. What is the form of hard labour that you use?
The treadwheel and the combined crank.

4086. Do you also make use of industrial occupation?
We do.

4087. In your opinion, therefore, you would draw a strong distinction between the crank and the treadwheel as hard labour, and the industrial occupation as a lighter form of labour?
I would.

I would. I consider the crank and the treadwheel to be strictly penal labour.

4088. Will you be good enough to explain to the Committee the construction of the treadwheel which is in use at the Petworth gaol?

The treadwheel is constructed for the double action of hand and foot. The prisoners, of course, labour outside the wheel. I have cut out of an old book on the treadwheel, which I have by me, some diagrams which will probably explain the construction much better than anything I can say, if the Committee will permit me to hand them in (*delivering in the same*). The one is a section showing the mode in which the handrail is worked, as well as the wheel, and the other is a longitudinal section.

Vide Appendix.

4089. Is there any mechanical difference between the wheel which you use at Petworth and the wheel as it is used in the majority of prisons?

I never saw a wheel like that at Petworth, and I have seen a great number.

4090. Is it an effective wheel?

It is much more effective than the ordinary run of wheels, because the man has to use his hands as well as his legs; and, independently of the punitive part of the matter, I think it is beneficial physically; the strain upon the system is, however, much greater.

4091. How long is it since the wheel at Petworth was constructed?

I am unable to say, but I apprehend that it was constructed at or about the time of the Prison Committee in 1835.

4092. Did those diagrams come out of the Report of that Committee?

No.

4093. Is there any other peculiarity belonging to this wheel that you could specify to the Committee?

No, except that while the men are at work they are in separate compartments, and, which I think objectionable, it is in an inclosed apartment.

4094. Is there not sufficient ventilation?

I do not think that there can be in any inclosed apartment with such a number of men in it at a time, and engaged in work of that kind.

4095. How many hours at a time are the men kept upon the wheel?

They are employed now about nine hours daily at the wheel.

4096. Does the nine hours apply to the lowest class of penal discipline, or is the nine hours' work exacted from all the prisoners?

From all the prisoners; we make no distinction in that respect.

4097. Do you employ any prisoners nine hours on the treadwheel, subject, of course, to the ordinary reliefs in the course of the day?

Yes, I employ all for that period who are employed at the treadwheel.

4098. How many men are employed upon the treadwheel at the same moment?

Our wheel is 32 feet long, and it takes 16 men on at a time; that is allowing two feet per man. As we work it in sections, the reliefs would be 10, 15 at work, and 10 sitting down.

4099. Are the men separated while they are relieved from work?

The seats are placed diagonally; I had them placed so myself, at as wide a distance apart as the size of the building permitted; and an officer is in the centre, whose duty it is to see that not a word passes from one to the other at any time that the wheel revolves at its proper speed, and that the men take their reliefs in due order.

4100. Is the treadwheel applied to productive labour?

Not at all.

4101. Is it ever used for any productive purpose?

No, for nothing but punishment.

4102. Can you inform the Committee what the effect of that is upon the temper of the men; have you ever seen any signs of irritation on the part of the prisoners at being employed at unproductive labour?

I think not; but I have at the severity of the labour.

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4103. Witnesses have given evidence before this Committee that, in their opinion, the use of the treadwheel, especially where it is applied to unproductive purposes, creates a sense of degradation in the minds of the prisoners, and great irritation and exasperation; is that your opinion?

That is decidedly not my conviction. I think that, generally speaking, the prisoners are perfectly indifferent as to whether it is productive or unproductive; but I do not consider it necessary to tell a prisoner that the labour he is doing is thrown away, unless it is by way of remonstrance to him, pointing out to him the folly of his committing crime and coming to prison to encounter such a punishment.

4104. Earl of *Dudley.*] He does not volunteer to remark?

He does not; generally speaking, if there is irritation, it is at the quantity of the work that is exacted from him.

4105. *Chairman.*] Is it probable that if that irritation had existed the fact must have come to your knowledge?

I should say so, undoubtedly; but much depends upon the administration of the prison. I do not encourage those things. I tell the prisoner, "There is your work; you must do it; it is my duty to see that you do it; and while you perform your work properly, I have nothing to say to you."

4106. Earl of *Romney.*] When you say the quantity of work that you exact from him, do you mean to convey the idea that it is within your power to exact what you please, or do you mean that the men are all employed on work as the rules of the prison require?

Yes; I ought to have said such work as the rules of the prison require from them. That is what I meant by my answer.

4107. Earl of *Dudley.*] Do not you think that a man in that rank of life has very little concern as to whether the labour is producing anything or not?

Very little indeed.

4108. The reasoning power does not go to that extent, you think, in persons in that rank of life?

I do not think it does.

4109. *Chairman.*] Is the crank in use in your prison?

We have but one separate crank in our prison.

4110. Have you a crank which is constructed with one continuous shaft?

Not one continuous shaft, because I have separated it so that some men might be constantly employed at useful labour, others partly at useful labour and partly at useless labour, and others again simply at punishment labour, which is entirely useless.

4111. To what useful purposes do you apply the crank?

Our useful labour is raising water for the service of the prison.

4112. Do you alternate the use of the crank with that of the treadwheel?

I do occasionally.

4113. Do you not consider that that has a beneficial effect, as calling the different muscles of the body into play, and suiting different classes of prisoners?

I should think it would be so as a matter of theory; but as I have never turned my attention much to that point, I am scarcely able to answer the question.

4114. Besides the crank you have spoken of, do you use the cellular crank?

We have but one.

4115. Is that a model of it which you have brought with you?

It is not a model of mine; but it is a model of a great number which are in use in the East Sussex prison.

4116. Are you satisfied with the cellular crank which you have in use at present in your gaol?

I am not satisfied with it; I have seen a great number that I prefer to it.

4117. Is the principle of that crank the ordinary principle of the hard labour cellular crank?

It is the principle, though not exactly so, of the railway break, it is a break of metal against metal; that is the friction.

4118. There

4118. There is this objection, is there not, to that crank, that by reason of the friction the metal expands, and consequently the work very often becomes greater than it is intended the prisoner should do?
That is the case with my crank; but I have procured this morning from an engineer at Clerkenwell, a model of a crank which is very perfect in that respect; it has a sort of compensating balance, so that when the metals expand, relief is given by the mechanism of the crank.

4119. Whose patent is that crank?
Mr. Underhay; an engineer and brass founder in Clerkenwell.

4120. Will you be good enough to explain to the Committee in a few words what the principle of this model which is upon the table is?
In the cell the casing which you see here would be fixed over the crank, to prevent the prisoner tampering with the mechanism of it. The important principle of the crank is that it has a compensating spring, so that when the metals expand relief is given; and if from fresh oiling it works too easily, then it compensates the contrary way, and so keeps an equal friction applied at all times.

4121. Have you the power of weighting that crank to any extent?
Yes, to any extent. The minimum power, however, is seven pounds; but it can be weighted to any extent as the maximum power.

4122. What gives that pressure of seven pounds?
You will observe a hollow tube, and a thing called a plunger runs down it; water is placed in that tube, when the action of the plunger causes a resistance of seven pounds in the working of the crank.

4123. Therefore, under all circumstances, the pressure which would act against the prisoner would be seven pounds?
Not less than that.

4124. And you may augment it by putting on additional weight?
Yes.

4125. In your opinion, is the use of the cellular crank of value in a prison?
I think it is a most valuable instrument of punishment.

4126. Would you apply it to productive purposes, or to non-productive purposes?
I should apply it both ways; or, rather, the cellular crank to non-productive purposes; but, for moral reasons, after I had *punished* a man by putting him to the cellular crank working unproductively, I should wish to put him to something useful. I should wish to put him to grinding corn, or breaking stones, or some other kind of hard labour which was *useful*.

4127. I observe that that model crank has an index in it, by which the number of revolutions are recorded. Is it, in your opinion, an important object that that index should be kept within sight of the prisoner in order that he may see the register of the number of turns which he performs?
Yes, certainly. I do not wish to irritate a prisoner's mind in any way which it is possible to avoid; I should wish him to know the amount of labour that he has performed. If it is not within his view, he would be in the dark, as it were.

4128. In the crank at present in use in the Petworth gaol, is there an index?
There is an index.

4129. Have you found any advantage from that?
Decidedly, because it enables me to know whether a man has done the quantity of labour I require him to perform.

4130. Is that index within sight of the prisoner?
It is.

4131. Earl *Cathcart.*] Are the Committee to understand that you have only one cellular crank in use in your prison?
Only one.

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4132. Then your experience is limited to the use of that one crank?
Except that I have seen it to a large extent in visiting other prisons, and that I have conversed with my brother gaolers upon this subject.

4133. *Chairman.*] Do you make any use of the shot-drill?
We do not.

4134. Would you see any objection to using it?
No, to a certain extent, I should not.

4135. Do any of your prisoners pick oakum?
No; we have better employment for our prisoners than picking oakum; but oakum picking is very good employment for those who are not physically equal to the treadwheel, or the crank, or for those who are not sentenced to hard labour, as the commencement of their probationary punishment.

4136. Do you consider that picking oakum is hard labour or light labour, or something intermediate?
It may be made very irksome labour; I do not think it can ever be made hard labour, because the man is on a seat all day.

4137. You have stated that you have industrial occupation in your prison; will you inform the Committee what it consists of?
Mop-making, which embraces picking, carding, and spinning wool, &c.; mat making; ships' fender-making; weaving canvas, sacking, and towelling; making corn and coal sacks, rick and wagon cloths; weaving cocoa-nut matting, cider cloths, rugs and blankets for prison use, horse rugs; rope-line and twine-making; also nets and halters, and such things as those.

4138. Do you measure the work done by the piece or by task work?
I do not; I require the prisoners to be moderately industrious, and I rarely find it necessary to complain of a prisoner being indolent.

4139. If you have not task work, what check have you upon the prisoner?
I take an account every Monday morning of the quantity of work he has performed during the previous week.

4140. Is there much supervision during the time he is occupied?
There is not; it is a general supervision; the prisoners are visited occasionally.

4141. Do you find it possible to estimate what you consider to be a fair day's work?
I do.

4142. Do you find that the men prefer industrial occupation to hard labour at the crank and the treadwheel?
Yes, generally; there are exceptions.

4143. Earl of *Dudley.*] You stated, did you not, that there were a certain number of prisoners who were not sentenced to hard labour?
There are.

4144. About what proportion?
The proportion, since the alteration of the law two years since, has been very small, because the magistrates have power now to commit men to hard labour for assaults, and therefore the proportion has very greatly diminished. I could not, at the present moment, give the proportion; but I could ascertain it by referring to my register.

4145. Could you give the Committee anything like an idea of what it is, because in some prisons it is so small that it is scarcely worthy of notice?
I could not now. It probably would not be more than two or three per cent. It is very small since the alteration of the law two years since, at the time of the passing of the Criminal Consolidation Statute.

4146. Therefore, of course, the general regulations of the prisons are for those who are condemned to hard labour?
Now it is so, much more than formerly. At that time we had a great deal of imprisonment without hard labour.

4147. Do you consider that any hard labour carries out the sentence passed upon the prisoner, except the treadwheel and the crank?
I do,

I do, certainly; if I got a fair day's work out of a man I should consider that I was carrying out his sentence.

4148. In one word, in industrial occupation or other things than the wheel and the crank, you consider that you can get a hard day's labour?
I do.

4149. I thought you stated that you were content with a fair day's labour?
Yes; that is what I should understand as carrying out the sentence of hard labour, because the limited diet of a prisoner would not enable him to perform an unduly hard day's labour.

4150. Do you, in the exercise of your discretion, consider that as soon as a prisoner comes in, supposing him to be able-bodied, you may at once put him only upon industrial occupation?
I do.

4151. And you think that that equally carries out the sentence upon him of hard labour?
I think so, but much must be left to the discretion of the governor, because some men are physically unfit to perform hard labour.

4152. But with regard to men who are physically fit for labour, what, in the exercise of your discretion, do you consider to be the meaning of the sentence of hard labour as passed in a court of law?
If a man performs a fair day's labour, I consider that I am carrying out the sentence.

4153. You have stated to the Committee that your treadwheel is 32 feet long, and that there are 15 men employed on it at a time, and 10 on relief; that is 25 men?
Yes.

4154. The 25 men are not the average of those who in your gaol are condemned to hard labour, are they?
No.

4155. You stated, did you not, that you left 89 prisoners there this morning?
I did.

4156. What would be the proportion of men to women?
Seventy-nine men and ten women.

4157. Out of those there are not above two or three that are not condemned to hard labour, I presume?
I doubt whether there is one convicted prisoner that is not condemned to hard labour.

4158. Therefore, you have 79 men that have been sentenced to hard labour?
Yes.

4159. And as a matter of course some of those have performed a certain portion more or less long of their sentence?
They have.

4160. Of those men how many do you state work at the treadwheel or crank, if you have one, per diem?
I can give the Committee a return of the employments yesterday; I make two returns, one of the number in custody, and another of their employment; the numbers yesterday were 79 males and 10 females, who were employed as follows: males, picking wool, three; carding and spinning wool, seven; winding and twisting, one; making mops, one; making ships' fenders, two; making door mats, two; dressing hemp, one; employed in rope walk, one; weaving towelling, one; sewing sacks, one; shoemaking, one; tailoring, one; at the treadwheel, 20; at the cranks, 24; at the crank in cell, one; cleaning prison, four; cooking two; unemployed, three; discharged, three; total unlocked, 79. Females at laundry and needlework, 10.

4161. By that list it appears that there are 20 upon the wheel, therefore the wheel could be occupied during the whole of the working hours of your gaol, because it would require 25 to fill it?
Yes.

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4162. Do you say that you consider that the treadwheel power, which you have, together with the crank power, is sufficient for the average number of prisoners sentenced to hard labour who are healthy and capable of doing work?

It is so in our gaol, connected with the trade work; the wheel and crank power alone would not be sufficient. I could only employ 55, and I have now 75 convicted males in the prison.

4163. What is the principle on which you select the men to go to the treadwheel?

I take those who appear to me to be the worst characters, as it is the severest labour, and those who are recommitted again and again. The worst characters are generally sent to the treadwheel, and those who are physically the best fitted for it.

4164. Do you exercise that discretion throughout the whole of a man's sentence?

If I find a man failing in health, I remove him from the wheel.

4165. If not, what do you do?

If not, I do not keep a man at the wheel for too prolonged a period.

4166. After a certain time, if the man behaves well, do you remove him from that primitive labour, and give him industrial occupation at lighter work?

Yes; if his sentence is sufficiently long to justify my doing so. It takes some time, of course, to teach a man.

4167. Are the cranks productive?

Partially so; they are employed for the purposes of raising water.

4168. That work is completed before the day is very far gone, is it not?

No; and if it is, I keep them raising water, and the water runs off.

4169. You have 24 men at work upon the cranks, and 20 upon the treadwheel; is that quite as much of strictly penal labour as you want for the average number of prisoners which your gaol contains?

It is.

4170-1. You stated that your recommendation would be that cellular cranks should be unproductive?

Yes.

4172. Why?

My feeling is, that during the earlier part of a man's sentence it should be purely punishment, to make him realise his position in prison, and the consequences of his wrong-doing outside.

4173. Then you wish the Committee to understand, that you do think that hard crank labour without producing anything is the hardest form of labour, and that a man would feel it to be the hardest form?

Yes, and I think as a matter of discipline, it is decidedly beneficial.

4174. Your next step would be to take him from that, and put him to productive penal labour as being the first step towards lightening his sentence?

Yes, I should consider that was a step upwards in the way of moral reform.

4175. And the third step would be industrial occupation?

It would

4176. As a rule, supposing that it could be made to pay, would not you rather have all the labour that is performed in the gaol productive of something?

I would not, for the reason that I have stated.

4177. Earl of *Ducie.*] Is the productive treadwheel labour a lighter punishment in point of labour, than the unproductive treadwheel labour?

I think it may be made equally severe.

4178. Is that so, in your prison?

No; there is no distinction; our wheel is not productive; the cranks are partially productive, but the labour is equally severe with them as with the unproductive ones.

4179. You

4179. You stated that you would raise the prisoners from the unproductive crank to the productive crank?
Yes.

4180. Is that practically so?
It is not practically so now; I act according to what seems to me best; I mean that if there was an established rule, I should wish it to be so.

4181. Earl of *Dudley.*] You state that you have only one cellular crank; does that produce nothing?
It produces nothing.

4182. Earl of *Ducie.*] You stated just now, that you did not think it had any effect upon the mind of a prisoner, whether he was working at productive or unproductive labour?
Yes; at present, I do not think it produces any effect in that respect in Petworth Gaol, because I do not think that the men know whether their work is valuable or not; they may all fancy they are working at productive labour.

4183. How would you make productive labour more pleasant to them than unproductive?
I would take care that all knew it; I have brought with me a proposal for a graduated system of prison discipline, and my wish would be to print it and hang it up in every prisoner's cell.

4184. Earl of *Romney.*] With regard to labour on the treadwheel and other labour, which do you reckon the most severe?
The treadwheel.

4185. Supposing that one man is sentenced to four months' hard labour, and another man to six months' hard labour, as the court or judge supposed to be right according to the nature of the crime, it is in your power, is it not, acting as you believe according to the law, to put the man sentenced for six months into the factory and that description of hard labour, and to put the other man on the treadwheel?
At present, I believe, it is within my power.

4186. Then, in point of fact, is it not the case that the man whom the Court has sentenced to the severer punishment, because of the aggravation of his crime, gets a less punishment than the man who is sentenced to four months' imprisonment?
Yes, it is, but I wish it to be otherwise; only having the power, I exercise it.

4187. In such a case, as I have mentioned, it would be defeating the intention of the Court in passing that sentence, would it not?
The disciplinary officers have to consider many things; they have to consider the *phisique* and the *morale* of a man; some persons are very much depressed in mind, and various circumstances arise which require our consideration, in deciding upon how we should treat a man, and how we should employ him.

4188. That is to say, leaving out of consideration the case of a man who from physical inability could not be put upon the wheel, but assuming two men of equal strength, do you consider that you have that power to which I have referred?
I consider that at the present moment I have the power to employ them in any way that I think proper in the gaol. At present, there is no definition of hard labour.

4189. If the Court sentenced a man to hard labour, that clearly means the hard labour which is provided in the particular gaol; and you admit, do you not, that work in the factory and other work, is less hard labour than the treadwheel?
Yes, I do.

4190. Sometimes, quite at your own discretion, you put a man to any description of labour, and another man to another, although both may be perfectly capable of the hardest labour?
Quite so.

4191. Duke of *Richmond.*] The question raised is this. Supposing there are two men sentenced, the one to four months' imprisonment and the other to six months, the man sentenced to six months being the greater criminal of the two, might you put the latter at the industrial labour, and the man sentenced to four months at the hard labour?

I might.

4192. But should you do so?

I think it is very probable that I should in some instances; because I should think that the man imprisoned for four months, had better be kept at hard penal labour throughout the whole of his sentence, and the man sentenced to six months' imprisonment I should prefer bringing other agencies to bear upon.

4193. Then it is possible that you would not put the man sentenced to six months to hard labour?

I should commence with it; I generally put them to the treadwheel at the commencement, but not as an invariable rule.

4194. But, generally speaking, all prisoners sentenced to hard labour, and physically able to go either upon the treadwheel or the crank, would go on either the wheel or the cranks at first?

They would.

4195. Earl of *Dudley.*] But that is not the rule?

That is not the rule, especially if it were a very prolonged sentence, because I should not wish to debilitate a man.

4196. Duke of *Richmond.*] But the generality of prisoners sentenced to hard labour would commence upon either one or other of those machines?

Undoubtedly they would.

4197. Marquis of *Salisbury.*] You state that in long sentences you would not put a man upon the treadwheel for fear of debilitating him; do you find that the treadwheel labour does debilitate prisoners?

Undoubtedly.

4198. After what time?

I think the process commences immediately; because, treadwheel labour is very severe labour; the men descend from it in a state of perspiration, almost invariably.

4199. How do you ascertain that a man is debilitated?

I judge by his appearance and manner.

4200. Do you weigh him?

No, we do not.

4201. Earl of *Romney.*] Is the labour upon your treadwheel very much more severe than upon the ordinary treadwheel?

No, I do not require the man to work hand and foot invariably; I would not do that; but I think our wheel is more severe than usual, from the circumstance of its being in an enclosed apartment, where the atmosphere gets heated.

4202. Earl of *Dudley.*] Is it enclosed over head?

Yes, it is enclosed over head and all round; in fact, I have sketched out a plan which I intend to bring before the visiting justices for altering it.

4203. Earl of *Romney.*] You mean, do you not, that your treadwheel is not more severe, but that it is more injurious in its effects?

It is more injurious in its effects.

4204. *Chairman.*] Are the Committee, therefore, to understand from the evidence which you have given, that that which you designate as hard labour, either at the crank or at the treadwheel, should be, at all events, at the foundation of any general rule of prison discipline.

I think so.

4205. At the same time you would make full allowance for good conduct in prison, or extra effort on the part of a prisoner?

As a matter of theory I would not; I should put him for a fixed period at hard labour with no hope of any amelioration until that period had expired.

4206. Would

4206. Would you not admit of some encouragement by the prospect of ultimate amelioration or relief?
I would, undoubtedly.

4207. Have you considered that branch of the question?
I have.

4208. Can you explain to the Committee in what way you would give practical effect to that principle?
If the Committee will permit me, I will read a proposal I have brought with me for a graduated scale of discipline, which I think would be well adapted to ordinary prisons generally.

The Witness read the following document:

Proposal for a graduated system of Prison Discipline, for use in ordinary Prisons, with remarks explanatory of its details, &c.

PETWORTH GAOL AND HOUSE OF CORRECTION.

Notice to Prisoners.

Prisoners are informed that, after conviction and sentence, they will be subjected to a graduated scale of discipline, when (in order to develope persevering industry and good conduct) their advance will depend upon favourable weekly reports, to be made on the back of the "Register Tickets" suspended in their cells.

There will be four stages or gradations of discipline, and the shortest time to be passed in each will be as follows:—

ON FIRST CONVICTION.

STAGES.	Prisoners sentenced to Three Months, and under	Over Three and not more than Six Months	Over Six Months
First.	Six weeks.	Seven weeks.	Eight weeks.
Second.	Remainder of sentence.	Seven weeks.	Eight weeks.
Third.	- - -	Seven weeks.	Eight weeks.
Fourth.	- - -	Remainder of sentence.	Remainder of sentence.

Second Convictions: Time passed in each stage *doubled.*

Third and subsequent Convictions: Time passed in each stage *trebled.*

DISCIPLINARY STAGES OR GRADATIONS.

Penal Class.

First Stage.—Party-coloured clothing, common exercise, if employed in cell; "guard" and straw bed every alternate night. School, two hours weekly; *useless* labour at cranks or treadwheel and shot-drill. No letters or visits, and no books, except bible, prayer, hymn, and one school-book.

Second Stage.—Clothing as above. Special exercise, two days weekly. Straw bed. School, four hours weekly. *Useful* labour at corn-grinding, stone-breaking, water pumping, and similar employments. Reading books. May send and receive one letter, or receive one visit from friends.

Industrial Class.

Third Stage.—Plain clothing. Trade-work employ, exercise, bedding, and school as above. Library books, letter or visit as above.

Fourth Stage.—Clothing, bedding, employment, and books as in last stage. School and study two half-days weekly; or, in lieu thereof, one additional hour's exercise daily. Special exercise every other day. Letters and visit every alternate month. White instead of brown bread, and eight ounces extra per diem. Prisoners for special prison service (such as cooking, baking, &c.) to be selected from this class.

Note.—All prisoners will commence at the first or lowest stage; and, after their advance, may be put back one stage at a time for misconduct.

(By order.)

 4209. According

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4209. According to this plan, there would be only two stages with regard to those who are sentenced to three months and under?
Only two; because, I think, short sentences should be made as severe as possible.

4210. You would recommend six weeks for the first stage, and the remainder of their sentence in the second stage?
Yes; on second convictions, the time passed in each stage is doubled.

4211. Consequently, in the case of a prisoner sentenced to three months and under, instead of having six weeks in the first stage, he would have 12 weeks?
Yes, he would have 12 weeks under the severest punishment that the rules of the prison authorised.

4212. And in the case of a prisoner sentenced to over three months and under six months, he would have 14 weeks, instead of seven, upon the second conviction; and in the second stage he would again have 14 weeks; and in the third stage he would again have 14 weeks, in lieu of seven; and in the case of a prisoner sentenced to over six months, instead of having eight weeks in the first three stages, he would have 16 weeks?
That is so; it is in order to make the punishment progressively severer for repeated convictions. Upon the third and subsequent convictions, the time passed in each stage should be trebled. I go upon the principle of making the punishment severer each time, up to a given point.

4213. Will you now state in what way you would distinguish those classes?
I have endeavoured to distinguish them in this way: "Disciplinary stages, or gradations. Penal class: 1st stage; Party-coloured clothing; common exercise, if employed in cell. Guard and straw bed every alternate night. School, two hours weekly. Useless labour at cranks or treadwheel, and shot drill. No letters or visits, and no books except bibles, prayer, hymn, and one school-book." The second stage would be still in the penal class. "2d stage. Clothing as above. Special exercise two days weekly; straw bed; school, four hours weekly; useful labour at corn-grinding, stone-breaking, water-pumping, and similar employments: reading books: may send and receive one letter, or receive one visit from friends," while in that stage. Then I should promote them to the industrial class. The third stage would be, the first in the industrial class. I should dress them in plain clothing, employ them at trade-work, and give them exercise, bedding, and school as in the second stage; they should also have the use of library books, and receive one letter or one visit from friends while they were passing through that stage. Then they would be promoted to the fourth stage. There the clothing, bedding, employment and books would be as in the last stage. School and study, two half-days weekly, or, in lieu thereof, they should have one additional hour's exercise daily; special exercise every other day; and should receive letters and visits every alternate month; and have white bread instead of brown, and eight ounces extra *per diem*. Prisoners for special prison service, such as cooking, baking, &c., would be selected from this class. And there is a foot-note to this: "All prisoners will commence at the first or lowest stage; and after their advance, may be put back one stage at a time for misconduct." That would be the notice that I would suspend in every prisoner's cell.

4214. When you put back a prisoner to the stage immediately preceding, would you propose that he should work out his full time again in that stage?
Yes. I have not turned my attention much to this part of the subject, but I think, if he is put back, he should work the full time in the preceding stage; he would be the less likely to offend again.

4215. The Committee understand, therefore, that your proposal is, that there should be two classes, one a penal class, and the other an industrial class; that the penal class should contain two stages, and the industrial class two stages; that the basis of the penal class should be punishment rising from unproductive labour to productive labour; and that the industrial class should be a gradation of encouragements and rewards for good conduct?
Yes; of prison amelioration. I have written a few explanatory remarks, if the Committee will permit me to read them: "This proposal is put forward more

more as a starting-point for consideration than for any inherent merit it may possess. The subject is a new one in common prisons, and requires anxious and careful consideration to elaborate, and practical experience to finally decide." I do not think that we can decide without first testing the thing. "It commences with the severest discipline, I believe, possible to succeed, but has a continuous element of encouragement (in the weekly reports and periodical promotions) which will buoy up the prisoner's mind and stimulate his energies to attain the privileges of the higher classes; these 'privileges' may appear insignificant to free men, but will be regarded as of value and importance by those confined to the gloom and monotony of a prison cell. To prevent too great an amount of printing or reading (in connexion with this scheme), there could be printed on one sheet a very short abstract of general rules for the information and guidance of prisoners, then graduated scales, and last dietaries." I think every prisoner ought to know what he should receive in the way of food, and if it is printed on one sheet of paper, it is all there compact before him.

4216. Earl of *Dudley.*] With regard to all those scales to be hung up in the cell, and also with regard to the bible, prayer-book, hymn-book, and so forth, nine-tenths of the prisoners cannot read, can they?

They can.

4217. Is it so large an average as nine-tenths?

No; I should say that the majority of the prisoners can read in our part of the country. I insert in the register of every prisoner, on his admission, whether he can read or write or not.

4218. Have most of them been indebted to your prison for a knowledge of reading and writing?

Certainly not; the great mass of prisoners that come to me are casual offenders; they come once, and I do not see them again.

4219. Earl *Cathcart.*] It would appear from the judicial statistics for 1861, that one-third of the prisoners in Petworth Gaol can neither read nor write; do you think that is correct?

Yes.

4220. *Chairman.*] Will you proceed with the proposal which you were reading to the Committee?

I further propose, "That every prisoner may at once understand his position and duties, an officer should be told off daily to assemble those newly received, and read and explain such rules and leading points of discipline. Register tickets should be on stout paper, or common cardboard, and ruled on back as required. Every Monday they would be produced (with week's work, or accompanied by warder's report) to the governor, and necessary endorsement made thereon. When the governor is unable to attend to this duty, it should be done by the chief warder, but by no other officer. Endorsements (as to conduct, &c.) in one or other of the following words: 'Good,' 'very good,' 'indifferent,' 'bad,' 'very bad;' and the number of 'good' reports, or their equivalent, must correspond wth the number of weeks in the scale before promotion. In the above scheme, 'common exercise' means walking and running in Indian file; 'special exercise,' a sort of drill (such as 'extensive motions,' marking time, &c.), which can be performed upon fixed points, allowing prisoners to stand about five yards apart each way, and which is more healthful than mere walking. 'Reading' books are to be understood as those of a religious and scholastic description. 'Library' books, as suitable secular works. Prisoners not sentenced to 'hard labour' could be allowed the option of working at *useful* labour, instead of picking oakum (by weight) while in 'the penal class.'"

4221. *Chairman.*] This graduated scale which you have proposed to the Committee, is simply framed upon what you consider would be a desirable change?

It is physical discipline first, and moral discipline to follow where the detention was sufficiently prolonged.

4222. Have you any system of marks at present in force in your prison?

No.

4223. Have you any system, which at all represents this scheme of encouragement, in your prison?

We have not.

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4224. Why have you never attempted to carry out such scheme?
I have not felt justified in doing anything of the kind.

4225. But in your opinion, this would be a desirable change?
I think it would.

4226. Marquess of *Salisbury.*] The expense of feeding prisoners at Petworth Gaol appears to be considerably higher than at Lewes; that is to say, 1 *l.* per annum more. Is there any reason for that; is your diet fixed by the Secretary of State?
It is a dietary that has been approved of by the Secretary of State.

4227. Is it a general approval, or is it a special dietary which was submitted to him?
A special approval.

4228. Is it the one suggested by the Secretary of State, or is it a special dietary proposed by the Justices?
It is a special dietary proposed by the Visiting Justices, and approved by the Secretary of State.

4229. Have you a copy of it?
Yes, I have; I have brought a copy of the prison rules, and will put it in (*delivering in the same.*)

4230. How many classes of dietary have you?
There are five classes, exclusive of the punishment classes.

4231. Is it pretty nearly the same as that suggested by the Secretary of State?
I think it is more severe in some respects, and less severe in others. It is arranged for daily dietaries: "Class 1. For terms not exceeding seven days—breakfast, eight ounces of bread; dinner, one pint of gruel; supper, eight ounces of bread. Class 2. For terms exceeding seven, and not more than 21 days—breakfast, eight ounces of bread and one pint of gruel; dinner, eight ounces of bread; supper, same as breakfast. Class 3. Prisoners employed at hard labour for terms exceeding 21 days, and not more than two months, and prisoners not employed at hard labour for terms exceeding 21 days, and not more than three months—breakfast, eight ounces of bread and one pint of gruel; dinner, Monday, Wednesday, and Friday, one pint of soup and eight ounces of bread; Sunday, Tuesday, Thursday, Saturday, one pound of potatoes and eight ounces of bread; supper, same as breakfast. Class 4. Second-class debtors, and prisoners for trial, on remand, and for want of sureties: also convicted prisoners employed at hard labour for terms exceeding two and not more than four months, and prisoners not employed at hard labour for terms exceeding three months—breakfast, eight ounces of bread and one pint of gruel; dinner, Monday, Wednesday, and Friday, one pint of soup and eight ounces of bread; Sunday, Tuesday, Thursday, and Saturday, four ounces of meat with bone, and (before being cooked) half-a-pound of potatoes, and eight ounces of bread; supper, same as breakfast. Class 5. Convicted male prisoners employed at hard labour, for terms exceeding four months—breakfast, Monday, Wednesday, and Friday, one pint of cocoa or milk, and eight ounces of bread; on other days, one pint of gruel and eight ounces of bread; dinner, Monday, Wednesday, and Friday, one pint of soup, half-a-pound of potatoes, and eight ounces of bread; Sunday, Tuesday, Thursday, Saturday, six ounces of meat with bone, and (before being cooked) one pound of potatoes and eight ounces of bread; supper, one pint of gruel, and eight ounces of bread. Class 6. Prisoners under punishment for not exceeding three days, one pound of bread per diem. Class 7. Prisoners under punishment, pursuant to section 42 of the Gaol Act; breakfast, one pint of gruel, and eight ounces of bread; dinner, eight ounces of bread; supper, same as breakfast. Female prisoners, and boys of not more than 14 years of age, to have the diet of the first four classes above, except in the article of bread, of which they are to have six ounces per meal instead of eight ounces." The ingredients of the soup, gruel, and cocoa are as follows: "The soup to contain, per pint, four ounces of uncooked meat (with bone), three ounces of potatoes, one ounce of rice, and one ounce of onions, a seasoning of pepper and salt, and to be made from the liquor in which the meat was boiled on the preceding day. The gruel to contain, per pint, two ounces of Scotch oatmeal, and to be sweetened every alternate day with three-quarters of an ounce of molasses; on other days

days to be seasoned with salt. The cocoa to contain, per pint, one ounce of cocoa nibs, three-quarters of an ounce of molasses, and two ounces of milk."

4232. That accounts, does it not, for the increased higher expense of the dietary in your gaol?
I think it does.

4233. Earl of *Dudley.*] Do you give the hard-labour diet to those who are employed in industrial occupation?
I do.

4234. Do not you know that the hard-labour scale was made out on purpose to meet the requirements of loss of strength arising from hard labour on the wheel or crank?
I do not find our scales any too high for the prisoners.

4235. Do you think that cocoa nibs are necessary to be given to prisoners, or cocoa at all?
I think that a change of diet for prolonged periods is very essential.

4236. Would you say "yes" or "no" whether you think cocoa is necessary?
I do, if I am to give a simple answer to the question in that form.

4237. Do you not think cocoa is a luxury?
I think it is essential. I think there should be a change; men's stomachs pall, and they are unable to take the food if it is continuously of one kind.

4238. Does not the workman in a state of liberty have the same diet, without any change whatever, the whole year round?
I do not think you can draw any parallel between the two, because the circumstances of the prisoner are so entirely different from those of the workman at large; the latter has stimulants, and narcotics, and spirits, and he has not the very great confinement that the prisoner is always labouring under.

4239. Putting the moral consideration of confinement out of the question, do you not consider that the labour itself is about as healthy a system as could be devised for a man?
Yes; but in prison, I think, hard labour is very debilitating.

4240. There can only be one debilitating element, which is that of the mind, the sense of restricted freedom?
No; I think that there is physical debilitation constantly going on.

4241. Will you tell the Committee whether you think that any amount of hard labour at the crank or treadwheel amounts to anything like the hard labour that is done by a healthy man out of doors?
I think decidedly it does; indeed, I think it is greater. I have stout, strong navvies committed to my gaol, and I find that they lose flesh, and very soon get reduced in strength, when I put them to the treadwheel, and I find it necessary after a time to remove them from it.

4242. *Chairman.*] You stated that you do not weigh them; how do you know that they lose flesh?
I can very soon judge by my sight. I see a man's arms get less, and he gets pale, and I am quite positive from my own judgment that he loses flesh fast.

4243. Earl of *Dudley.*] Do you consider, so far as good health is concerned, that it is absolutely necessary that a man should weigh exactly the same when he goes out of the prison as he does when he comes in?
Certainly not, for health; but I think he should not be reduced too low.

4244. Lord *Wodehouse.*] Are you not surprised to hear that the medical officer of one of the largest prisons has stated that a prisoner can exist for several months on oatmeal and potatoes exclusively?
I should be surprised to hear such a statement if the prisoner were kept to hard labour.

4245. But if kept to hard labour you would not think it possible?
I should doubt it myself.

4246. Earl of *Dudley.*] Do not you think that the quantity of cereals will make up for the loss of meat diet?

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That is more a medical question than a disciplinary one, but I should think not. I think that meat is essential; in certain instances in our dietaries, for three weeks and under, we do not give any meat whatever.

4247. Do you propose with that modified system of prison discipline, a sketch of which you have put in, to give also a conformably modified diet?

No. I think that a man should commence with the diet that it is intended to give him throughout, except as a reward for good conduct, at a given period; for you generally find that more or less they fail, and require medical indulgences at a certain time. I should wish to give him an increased diet as a matter of right rather than as a medical indulgence.

4248. Therefore, if a man is sent to you, we will say for 21 days (and that is to be a short sentence, which is to be carried out entirely on the wheel, according to your proposal), do you intend to give him the hard-labour diet?

I should give him Class 2, which is a very low diet.

4249. What diet do you propose to give at the different periods for which you have told us you intend to keep the prisoner at hard labour?

I would have a graduated scale; according to a man's sentence so should be his diet.

4250. There are now the lowest, the 2d, the 3d, the 4th, and the 5th scales of diet?

Yes.

4251. You do begin upon that?

Yes, I begin upon that.

4252. But as you propose, according to your system, to put a man upon hard labour at once as a rule in a gaol for all terms, whether short or long, but in the case of the longer ones to be modified by degrees, do you intend that all should begin at the lowest point of diet?

No; it should be a graduated diet, according to the sentence. If a man was sentenced to a prolonged period, he should commence at once with the proper class of diet, which is the highest.

4253. Do not you see that that is a set-off to your proposed system of hard labour in your gaol; you are going to make the rate more absolute in the gaol than it has been before, and to give hard labour to the men when they come in, and you propose to modify that by degrees?

Yes.

4254. But *per contra* you are going to give the men the full diet that he is entitled to for hard labour as soon as he begins at that hard labour, so that the punishment of a low diet for 21 days, or even for a longer time, is done away with, which is a set-off to your hard labour?

It is done upon this principle, that the short sentences shall be made as severe as possible, and that is why these dietaries have been so graduated. When a man comes in for six months, I give him the fifth class of diet at once; he does not commence with the lower diet, otherwise we should have that man in the surgeon's hands immediately.

4255. That is your belief?

I am certain of it; it would reduce the strongest man to such an extent that he could not go through a prolonged period, and perform the work required of him without failing.

4256. You are proposing to make hard labour the rule of your gaol; but instead of beginning, as you now do, with the lowest scales of diet, you are going to give at once the hard-labour diet?

We do not begin now with the lowest scale; if a man comes in upon a sentence of six months, he commences with the fifth class of diet, and continues on that throughout.

4257. Putting the question of labour on one side for a moment, do you not think that it would be advisable that every prisoner who comes in, whatever his term, should begin with the lowest scale, and go on to the other stages of diet?

Certainly not; I should be very sorry to see that required.

4258. Do you not think that if there was a loss of weight in the first instance, which is to be attributed to many things besides the prison discipline, such as the loss of liberty, the great change of the way in which the man has lived (because in that rank of life there is a great deal of eating and drinking, whenever they have the means, which of course tends to keep up the strength of a man, and the loss of which causes that depression), all that would be rapidly re-established as the man went on from degree to degree of diet?

I think not; I think that there are various considerations wrapped up in these questions, moral and mental as well as physical.

4259. Would you tell the Committee what the number of your recommittals are?

I cannot; I have not before me the list, and I do not think that any list of recommittals would be at all a fair test of the effect of our discipline, because West Sussex is peculiarly circumstanced at present; there are a great number of tramps passing through, attracted by the fortification works going on at Portsmouth and other public works; they get committed to me, and I am very particular in tracing their antecedents when I can; many of them have been in prison again and again, but they have not been recommitted to Petworth Gaol.

4260. Do you know, of your own knowledge, that a great number of the prisoners who have served their time in your gaol have gone into honest employment afterwards?

Yes, I do.

4261. Do you know any who have been twice or more in your gaol that have done the same thing?

Yes, I know that they have gone to hard honest employment subsequently.

4262. When would you say that, as a rule, the professional thief or professional convict begins; would it be after the second offence?

I can hardly answer that question; I do not think that you find in the rural districts many professional thieves, unless they come by chance there; that applies more to towns, and large towns especially.

4263. Earl *Cathcart.*] It appears from the judicial statistics of 1861, with regard to recommittals to your prison, that about one-third of the whole number are recommitted; are those statistics probably correct?

No doubt they are.

4264. It appears, by the judicial statistics of 1861, that the total commitments were 382, and 114 were recommittals; is that so?

Yes.

4265. These figures are probably taken from your own returns?

Yes, they are; but that does not apply to Petworth; I endeavoured a few minutes since to assign a reason for that.

4266. Earl of *Dudley.*] Would you separate the prisoners any further than you do at present?

No, I do not wish to go any further.

4267. I mean, would you extend it to separation in the chapel?

No.

4268. Would you go so far as to require them to wear masks, to prevent recognition?

No. I learnt the discipline at Pentonville, and there it was carried out to the full extent; but I do not consider it at all necessary in ordinary prisons, whatever it may be in convict prisons.

4269. Would you be glad to have cranks in all your cells, so that you might be able to put the prisoners to work on the separate system?

Not in all of them; I should wish to have a certain number (perhaps 30 per cent. may be the proportion) that I should like to be able to put to work separately.

4270. Viscount *Eversley.*] Would it not be more desirable to have the cranks in a separate shed in the open air?

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I think that depends much upon the situation of the prison: if it is on an elevated site, and buildings are simply arranged, and a good system of ventilation can be carried out, it is much better to have them in the cells; but if the prison were a mass of buildings, impeding ventilation, and on a low site, surrounded perhaps by high buildings outside, I should prefer taking the men out of their cells for the purpose of performing hard work such as crank labour.

4271. You think that no inconvenience could arise from employing a prisoner at hard labour in his own cell?

I should prefer it, if the ventilation was good, as it not only operates to keep the men more under control, but is an advantage on the ground of economy and simplicity.

4272. Earl of *Dudley.*] Your idea is that this is the greatest punishment you can inflict upon a man, that it is to be separate confinement; that it is to be the crank labour, which you can make as hard as you like already; that the prisoner is to be without even seeing the others, and that his labour is to be non-productive; you propose that that shall be the first form of your punishment?

Yes; I think that that is as severe a punishment as you can hope to carry out successfully.

4273. Lord *Wodehouse.*] When you say that you think there would be no inconvenience from the employment of prisoners at crank labour in their own cells, do you say that from any practical experience of such a system?

Yes, to some extent; I have been in various prisons, and have observed the state of the cells, and to a limited extent I have it in my own prison.

4274. You have not found that any inconvenience to the health of the prisoners has arisen from it?

No; I think I said before, that if there is a good system of ventilation, I do not think that much harm can arise.

4275. Marquess of *Salisbury.*] Do you find any difficulty in producing evidence of the previous convictions of prisoners who are tried?

No great difficulty, except that the sessions come simultaneously all over England, and very often it is difficult to spare an officer for the purpose.

4276. Do you find that the allowances are sufficient?

I should not like to make a remark against them, because I have never personally found any difficulty on that point; I remember an instance not long since in which I sent the chief warder to identify a man, and when he came back I asked him what allowances they gave him, and he told me he was 3 *s.* out of pocket by the journey.

4277. *Chairman.*] Have you ever considered the expediency of identifying previously-convicted prisoners, either by means of photography or by affixing any particular mark upon them?

I think photography most useful at the headquarters of the police; and I should wish to have all criminals who are sentenced to penal servitude branded the same as they brand bad characters in the Army; they brand them now with the letters B. C. I have had a great number of them in the prison so branded, and I should like to have convicts sentenced to penal servitude branded with the letters P. S., but not in the case of other prisoners.

4278. Earl *Cathcart.*] When you use the term branded, you mean indelibly marked, do you not?

Yes.

4279. *Chairman.*] Have you ever found the advantage of those marks with regard to military offenders who may have come into the prison?

No, I have not; but I frequently get men who I am morally certain are returned convicts; their reticence, however, is so great, that it is impossible for me to trace their convictions or their antecedents, so as to prove it.

4280. Do you apply that suggestion to penal-servitude men or to persons convicted a second time?

I should apply it to penal-servitude men only.

4281. With

4281. With regard to prison punishments, what are those forms which are most common in your prison?
Stoppage of diet and confinement in a light or dark refractory cell.

4282. Do you find that the stoppage of diet has a tendency to irritate the prisoners?
No, I do not.

4283. Do you ever make use of corporal punishment?
Very rarely.

4284. Whenever you have used it, has it been for serious offences?
It has been for repeated acts of misconduct.

4285. Have you found it effective?
Very.

4286. You would consequently be unwilling to part with the power of making use of corporal punishment?
Most unwilling. I think it is a most useful punishment.

4287. Have you ever known it ineffective?
Only in one instance.

4288. Only in one instance during the whole course of your experience as a governor?
Yes.

4289. Have you had any experience of Discharged Prisoners Aid Societies?
I have not.

4290. Are you of opinion, from what you know of them indirectly, that the operation of them is beneficial?
I think it is mostly so, from what I have learned.

4291. Marquess of *Salisbury.*] Is there any particular scale of allowance made to prisoners to reach their homes after the expiration of their sentence in your gaol?
No; the magistrates leave it to me to act according to circumstances in giving the prisoner a little help on his discharge; any special case I should bring under their notice, and they would decide upon it.

4292. Is it generally a sufficient sum to carry them to their homes?
Not in all cases. I should not think that desirable. I give the man a little to help him on his way. If a prisoner is from London, as many of them are, I usually give him 1 *s.* or 1 *s.* 6 *d.* and his day's provisions. I know that he can reach London in two days.

4293. *Chairman.*] Some of the witnesses who have given evidence before this Committee have stated that, in their opinion it would be a desirable change to send the prisoners to chapel three times instead of six during the week, and twice on Sunday; is that your opinion also?
Certainly; I should diminish it rather beyond that; I think twice in the week and twice on Sunday would be quite sufficient.

4294. Do you entertain that opinion from the belief that the service becomes monotonous to the prisoners, and that the whole thing is a matter of routine?
I think so, decidedly.

4295. Do you believe that the prisoners would take a greater interest in the service if the number of times at which attendance were required were lessened?
I do.

4296. Lord *Wodehouse.*] Do you see any objection to giving the prisoners who have earned money by their own industry during the time that they have been in prison some portion of it, as a gratuity, on their going out?
I should prefer giving them the gratuity independently of any prison labour.

4297. When a man has behaved well, and also earned money by his labour, should you see any objection to giving him a portion of that money on leaving the prison?

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I should prefer doing that through the agency of the Discharged Prisoners Aid Societies.

4298. Earl of *Romney.*] With regard to the chapel and the services, what services are performed now in the chapel every day?

Two services on Sunday, and every day prayers and a portion of Scripture; we use a selection of the prayers, not the entire service.

4299. What time does that occupy?

Half an hour.

4300. If that time were shortened, so that it occupied ten minutes or a quarter of an hour, would you prefer that, or having the service as it is now, and the man attending it twice a week?

I would rather prolong the service, but I would not have it daily; it should not come as a matter of course every morning, so that after a while it became common, and considered a mere matter of routine.

4301. Earl of *Dudley.*] Do you not think that the same argument would apply to it when the day for chapel came round?

I do not.

4302. Do not you think that if you have failed to produce that state of mind in a prisoner which would be benefited by having daily chapel, it would be very much the same thing whenever it occurred, except on Sunday?

No, because it would not be so common; it would rather tend to exalt the services of the chapel, I think; the prisoners now look upon it as a matter of routine, going to chapel before they go to labour, and it is a very unnatural state of things to them, because the class from whom criminals are ordinarily drawn are quite unable to attend a place of worship during the week-days.

4303-4. Earl of *Romney.*] When you say that the service occupies half an hour, do you mean the actual time in chapel, or does it include the time occupied in going to and from chapel?

The time in chapel at Petworth occupies probably twenty minutes.

4305. *Chairman.*] Have you any further suggestion to offer to the Committee?

I think that Sunday evening is a period of great restlessness with prisoners generally, and I should wish the evening service to be really in the evening instead of the afternoon, as is generally the case now. To do that, the statute would require some amendment.

4306. Marquess of *Salisbury.*] Can you refer to the statute on that point?

The 4th of George IV., chapter 64, section 30, says this: "And be it further enacted, that every such chaplain shall on every Sunday, and on Christmas-day and Good Friday, perform the appointed morning and evening services of the Church of England, and preach at such time or times between the hours of nine and five of the day as shall be required by the rules and regulations to be made as directed by the Act."

4307. Earl of *Dudley.*] Do you think that such an alteration as you recommend would lead to very great objection on the part of the chaplains?

I think not.

4308. At what time of the day are your services held?

Our services on Sunday are at half-past eight in the morning and half-past three in the afternoon, and on week-days at nine o'clock.

4309. *Chairman.*] You would propose that it should be left optional with the authorities of each gaol to fix the service at the time which is most convenient?

Yes.

4310. Have you any suggestion to make with regard to the books for the use of the prisoners?

I think a revision of the statute is desirable upon that point. The 2d and 3d of Victoria, chapter 56, section 6, rule 8, says: "No books or printed papers shall be admitted into any prison but those which shall be chosen by the chaplain for

for the use of prisoners belonging to the Established Church, and by the visiting justices for the use of the other prisoners." There is an appeal to the Bishop in case of difference of opinion. I think that equal power should be given to the visiting justices to select books to be read by the prisoners.

4311. On what ground?
I have seen a novel in a prisoner's cell before now.

4312. Was that introduced by the chaplain?
I cannot say how it was introduced, but I have seen a popular novel in a prisoner's possession; and it struck me at the time that that seemed to show that some alteration was necessary in the way of providing books for the prison. I do not know who introduced it, nor do I remember at the moment in what prison it was that I saw it.

4313. Duke of *Marlborough.*] It was not in a prison under your control?
No.

4314. *Chairman.*] Is there any further suggestion which you wish to make?
With regard to infants being admitted with their mothers, I think that some limitation should be placed upon that practice.

4315. What is the practice at present?
Children are brought with their mothers, and it is a very difficult thing for us to say that we will not take them in, and they are mostly admitted. I should propose to deal with them according to age; if the child was 12 months old, I should propose to give power to the governors of prisons to reject the child, and the policeman should either take it to the workhouse or return it to the friends of the prisoner.

4316. Is there any limitation at present as regards age?
There is no limitation; the rule, I presume, is understood to be, that if the woman is suckling a child, the child shall be admitted, but if not, it shall not be admitted; but that is by no means the practice.

4317. Up to what age are children admitted, within your knowledge?
I have had children brought to my prison with mothers certainly up to two years old, but I have not liked to take upon myself to reject the children.

4318. Is there any further suggestion that you wish to make?
The consolidation of the criminal statutes of the Session before last has provided that imprisonment without hard labour may be imposed for most of the offences therein enumerated; at present, by the law, a prisoner sentenced to imprisonment without hard labour, may provide himself with the prison allowance of food, and if he has the means of providing it, he may live in idleness; that seems to me an anomaly.

4319. Marquess of *Salisbury.*] Can you produce any authority for a prisoner confined for any criminal offence having such diet as he chooses?
The 4th of George 4, chapter 64, section 38, provides: "And whereas persons convicted of offences are frequently sentenced to imprisonment without being sentenced to hard labour; be it therefore enacted, that it shall be lawful for two or more visiting justices of any prison to order that all such persons confined in such prison in pursuance of any sentence or conviction, except such prisoners as shall maintain themselves, shall be set to some work or labour not severe." That is interpreted that the prisoner may maintain himself.

4320. Does that mean a prisoner convicted for a criminal offence?
Yes.

4321. Earl of *Dudley.*] If he does maintain himself, according to that, you are not at liberty, are you, to put him to any, even light labour?
I am not.

4322. Lord *Wodehouse.*] Is it the case that he would have the prison diet by paying the expense of it, or would he be allowed to provide himself with any other diet?
He would not be allowed to provide himself with any other diet. Perhaps your

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your Lordships will allow me to read the rule of the Petworth Gaol upon that point: Rule 93 says, "No prisoner confined under sentence shall receive any food, clothing, or necessaries, other than the prison allowance, except by direction of the surgeon, and under special circumstances, to be judged of by one or more of the visiting justices, in writing; nevertheless, prisoners sentenced to imprisonment without hard labour may provide for themselves the daily allowance of prison food instead of being compelled to maintain themselves by work or labour not severe.

4323. Marquess of *Salisbury*.] Is that rule construed that they may exceed the prison allowance?

No; but that they may purchase the prison allowance, and live in idleness. That is the way in which I construe it.

4324. Duke of *Richmond*.] I understand you to state that the late legislation has tended to make it optional as to whether a prisoner should or should not have hard labour?

It has.

4325. And you point out this as an objection to those sentences?

I think that it is one which should be brought under the notice of the Committee.

4326. Lord *Wodehouse*.] What suggestion do you make for altering the law?

Simply to repeal that part of the clause.

4327. What portion of the law do you object to, and what portion do you think ought to be altered?

I think that portion which authorises a man sentenced to imprisonment without hard labour to provide himself with food without working for it should be altered.

4328. Would you provide that every man, whether sentenced to hard labour or not, should be put to labour?

Yes, he should be put to labour of some kind after conviction.

4329. Earl of *Romney*.] Under what section of what Act is it that the gaol provides a man with food which he can buy and pay for?

The 4th of George 4, c. 64, s. 38: "Whereas persons convicted of offences are frequently sentenced to imprisonment without being sentenced to hard labour; be it therefore enacted, that it shall be lawful for two or more visiting justices of any prison to order that all such persons confined in such prison in pursuance of any sentence or conviction, except such prisoners as shall maintain themselves, shall be set to some work or labour not severe."

4330. That does not say that they are to be maintained by buying the food of the prison?

It goes on to say, "And it is hereby declared, that no such prisoner who shall be of ability to earn, or who shall have the means of earning or of otherwise providing for his own subsistence, shall have any claim to be supported at the expense of the county, riding, or division, or by the sheriff or the keeper of the prison; provided that when such ability shall cease by reason of sickness, infirmity, the want of sufficient work, or from any other cause, every such person shall, during the continuance of his inability, receive such provision and support as shall be directed for other convicted prisoners in the same prison; and the keeper of every such prison shall keep an account of the work done by every prisoner so set to work as aforesaid, and shall account to such prisoner for so much of the net profits which such prisoner shall have earned." That part is repealed by a subsequent Act.

4331. There is nothing that points to supplying such a man with prison food, and keeping an account against him, and charging him with it?

No.

4332. Lord *Wensleydale*.] It does not say that the man may not maintain himself otherwise, but he is to have the option of purchasing the prison food; it does not prohibit him from getting it elsewhere, supposing he wished to purchase some other means of support?

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The rule says that they "may provide themselves the daily allowance of prison food;" it does not permit them to purchase it anywhere else.

4333. The prison regulation gives him the buying the gaol food optional, but it does not prohibit him from getting it elsewhere, does it?
I think that another portion of the statute prohibits it.

4334. *Chairman.*] Is there any further suggestion that you wish to make to the Committee?
No; not bearing upon the subject of prison discipline.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Saturday next.
Half-past Eleven o'clock.

Die Sabbati, 2° Maii 1863.

LORDS PRESENT:

Marquess of SALISBURY.	Earl CATHCART.
Earl of CARNARVON.	Earl of DUDLEY.
Earl of ROMNEY.	Viscount EVERSLEY.

THE EARL OF CARNARVON in the Chair.

Major C. W. BANNISTER is called in, and examined as follows:

4335. *Chairman.*] YOU are the governor of the county gaol at Maidstone, are you not?
Yes.

4336. How long have you been governor of that gaol?
Nearly two years.

4337. What office did you fill previously to that?
I was deputy-governor of the Dartmoor convict prison for a period of 18 months?

4338. Had you held any prison appointment previously to that?
No, I had not.

4339. Does your experience on the subject date back from that time?
Yes, it merely dates back from that time.

4340. Will you have the goodness to state to the Committee what is the average number of prisoners within your gaol?
The average number is about 500 males and females.

4341. What is the labour which is enforced in your prison?
For male prisoners the treadwheel, and truck labour; by truck labour I mean drawing a truck laden with coals, or other store from one part of the prison to another; oakum-picking, all the scrubbing and cleaning of the cells and passages, and we have also weaving and mat-making; we make all the prisoners' clothing, and all the shoes of the prisoners and of the warders. For female prisoners, washing, making and mending clothes, and scrubbing floors.

4342. Do you class such employments as mat-making, shoe-making, cleaning the prison, and drawing coals, as hard labour or light labour?
We class them as hard labour.

4343. Do you make any distinction between the different forms of labour which are in use in your gaol?
Yes, the Visiting Justices have made a distinction; they have not allowed oakum-picking to be considered hard labour; nor sack-making, and other light work.

4344. For what class of prisoners do they reserve those occupations?
For those whom the surgeon has placed on his list as being unfit for the more difficult labour, by which I mean principally the treadwheel.

4345. Is it the practice in Maidstone Gaol to employ the short sentence prisoners upon industrial occupation?
No, it is not at all the practice; we make no difference; every prisoner sentenced to hard labour goes on the wheel, if not reported unfit by the surgeon.

Major C. W. Bannister.

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4346. For whom, then, is the industrial occupation reserved?
We reserve it for no particular class of prisoners. When a man has undergone a certain period of his sentence on the wheel, say half his sentence, my plan has been (I do not know whether it is a regular plan in other prisons), if he is a tradesman, and has behaved himself well, to take him off the wheel, and put him to a trade, because we require men to do the work of the prison, and we must have them.

4347. Do you treat industrial occupation as a reward, and as an encouragement to good conduct?
Yes, I do.

4348. Do you make any use of the crank?
We have no crank in our gaol.

4349. Is it your practice, as a rule, to employ every prisoner upon the tread-wheel unless you require his services elsewhere for the ordinary purposes of the prison, or unless his health should render it necessary to exempt him from that labour?
Yes.

4350. What is the maximum time which any man in good health is kept employed at the wheel?
The maximum daily time of labour is between eight and nine hours in the summer; nearly nine hours.

4351. And what is the relief?
Our relief is one-third of the time.

4352. Supposing there were 30 men employed at one spell upon the wheel, 10 would be on relief and 20 would be at work at the same time?
Exactly so; that is how we arrange it.

4353. The whole of the Maidstone Gaol is not upon the separate system, is it?
No; the female part of it is on the separate system, and the rest of it is on the associated system.

4354. Are any of the cells on the male side of the prison certified?
No; only three punishment cells that have lately been made.

4355. Do the prisoners sleep together?
No; they all have separate sleeping cells.

4356. What is the size of those sleeping cells?
Nine feet by seven.

4357. Therefore they do not fall very far short of the required standard?
Not very much; 9 feet by 13 is the required standard.

4358. Do the prisoners associate together during the day time?
Yes, the male prisoners do; the females are entirely on the separate system, except a few who work in association in the laundry.

4359. To what extent do you carry that association; how many prisoners are associated together in one room?
The wards are of different sizes; the largest one contains 40, and the smallest 12.

4360. Is there an officer present in every ward?
No, we have not enough officers for that. Ours is on the classification principle and is divided into four divisions, each having a warder's round-house. Each round-house is the centre of a division and has four buildings radiating from it. There are two wards in each of the buildings, which radiate from the round-houses, and the duty of each officer is to look in at the doors while the prisoners are at their meals, and during the half-hour after dinner, and the quarter of an hour after breakfast and supper when they exercise in the yards; that is the only supervision over them during that time. After their meals, they are taken by the officers to labour in the factory building. Those who are oakum-picking and sack-making, or doing any trades, are taken to this manufactory; and those on the wheel are taken to the wheel from these wards,

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to work on the associated principle, and in the manufactory they also work on the associated system, with officers to supervise them.

4361. Whilst they are associated at work in the manufactory, are the officers present?
Yes.

4362. Is the rule of silence strictly enforced?
Yes.

4363. How far does each prisoner sit or stand from his neighbour?
He sits close to his neighbour, almost touching him.

4364. How many warders have you in the manufactory?
Two warders generally, and manufacturer; that is all that we can afford to put there.

4365. Do you not believe that communications pass between prisoner and prisoner?
I am sure of it; we have such imperfect supervision, that I am sure it must take place; but whenever we find it out we punish for it.

4366. Do you believe that that is productive of mischief?
I do.

4367. What form does that mischief take, in your prison?
Of course I cannot see the result of it myself; I can only surmise the mischief that it produces. If a very bad man, or a very bad boy, sits next a boy who has only had one conviction, and does not really belong to the criminal class, I cannot tell what harm happens between them; but I can surmise that the boy's mind is poisoned, and perhaps he may be even introduced at that time to those who may become his worst friends when he is outside the prison.

4368. Have you no system of classification of first and second offences, or according to the nature of the offence itself, whereby you can limit that contamination, even under the associated system which you have described?
It is a very imperfect classification, if you can call it classification at all. The classification hitherto pursued in the gaol has been in accordance with the Act of George the Fourth. The only classification that we have in that way between what we term re-committals and the others is, that those re-committed eat their meals in their cells. The practice of the prison has always been so, as well as the rules of the prison, and it is out of my power to alter them without authority. After they have eaten their meals in their cells, they are taken down to their exercise with all the rest of the prisoners. They are only kept separate from the others during their meal time, and they are thrown into association immediately afterwards.

4369. In fact, there is nothing whatever to prevent a thoroughly hardened criminal from sitting next to, or communicating with, a young lad who may be imprisoned for a very short period, and for some casual offence of a venial nature?
Nothing at all: but I must explain that the system which I am now speaking of, is the system which has been hitherto pursued; but it is now arranged that quite a different system shall be adopted; and the building is progressing rapidly for that purpose. It is not exactly the model prison system of separation, because we should have had to throw down the prison, and to make the cells much larger in order to have done that; there is not room for it. But the system which we are about to adopt is, that, instead of permitting the prisoners to associate freely in the numerous day rooms, which are 30 in number, each with its adjoining arcade and exercise yard, and spread over the prison, we are going to connect each day room, with the arcade which joins it, and these buildings will have partitions of slate, so that each man will sit between two partitions with a little gate in front, and every man will be separated from his neighbour. It may be possible that he may say a little to his neighbour, but any continued communication would be entirely prevented, and we have also had an increase of officers given to us, by which we shall be enabled to have in every ward an officer always present, and the duty of those officers during working hours and meal times (for every man will work and have his meals in those compartments) will be to walk

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up and down in front of the partitions in which the prisoners are sitting, and to supervise the prisoners.

4370. Is it proposed that those partitions should be entirely open in the front?

It is not proposed that they are to be entirely open; but there is a gate through which you can see the prisoner; it is an open barred gate, with the bars about four inches apart, so that although the prisoner can be seen, he cannot get out unless he is unlocked.

4371. Are the Committee to understand that you will simply use those partitions during the day?

Yes, for work and for meals also.

4372. But not for sleeping?

No; at the close of the day each man will be marched from those compartments up to his cell above. Each set of prisoners, when they are marched from their rooms in the morning, will go down stairs, have their breakfast in their compartments, and remain at work in those compartments, instead of being moved to the manufactory to work.

4373. Are you of opinion that this contemplated change will be a great advantage?

Yes, I think it will be a very great advantage.

4374. Will it tend to check and limit the possibility of communications passing?

Not every communication; I do not think it will check entirely the communication between two known thieves. They have, I have no doubt, a mode of communication between themselves which they may understand, and carry on to a certain extent, without our being able to detect it. They are extremely cunning in their methods of communication between each other; but I do not think it will be in the power of any thoroughly bad criminal to contaminate any other person in the gaol.

4375. In marching them backwards and forwards from their cells to those compartments, or to the wheel, will it be your practice for the future to prevent communication passing between the prisoners?

For the future it will. We shall pass them as far as we can possibly do it according to the system pursued on the separate system. The exercise will also be carried on in the same manner.

4376. Do you intend to adopt the use of masks or hoods when exercising?

No, nothing has been said upon that.

4377. Do you intend to adopt any system of separation in the chapel?

No; separation in chapel has not been provided for. I should explain that our prison chapel has been made (I do not know how many years ago), on the same principle as all the rest of the prison has been made, to meet the sort of classification which the Act of George the Fourth points out, that is to say, of separating misdemeanants from felons, and keeping prisoners in want of sureties and prisoners for trial separate from convicted prisoners, and so on. In point of fact, it is a classification according to the description of crime. Our chapel is arranged in the same manner; there are partitions which represent as nearly as possible in number the wards in which those prisoners are classed off. It has been determined to make a new chapel now upon what is called the silent system. The prisoners will then be all in association; but there will be a sufficient number of officers always present to prevent communication.

4378. Viscount *Eversley.*] Do you propose separating the prisoners on the treadwheel?

I do not propose separating them there, simply because we shall then lose the possibility of making them work at what is called two-thirds time. I have seen the system of separation on the wheel carried out in Coldbath Fields, and there they can only have, say six men on and six men off, so that they must give them equal work to equal rest; whereas by our plan 12 men may be on the wheel while six are off, and as the prisoners pass along the wheel, and at every second minute one of them descends at one end while one who had been resting ascends at the other, we are able to give every man 24 minutes' work to

12 minutes'

12 minutes' rest, which is termed two-thirds time, that is to say, two-thirds labour to one-third rest; but by the other plan we can only give them half and half; so that, I think, although we might stop communication upon the wheel by separation, we should lose the amount of work.

4379. What is the scale of diet which is in force at Maidstone Gaol?
It is the scale suggested by the Secretary of State; it was adopted, I believe, without any modification at all.

4380. Is that dietary, in your opinion, satisfactory in its operation, or is it in deficiency, or is it in excess at all, or is it exactly suited to the necessities of the several classes for which it provides?
With regard to every long-sentenced prisoner, say for a year and upwards, I would not say positively that it is too little in quantity; but I think that either in quantity or in quality there is something wanting in it; that is to say, if a man is working on the wheel. I do not mean to say so with regard to any other labour; but I am perfectly satisfied that the wheel is a very punishing labour indeed; and I think that this diet for sentences of a year and over is either insufficient in quantity, or else in quality; it is not varied enough; there is something in it that does not suit the man's constitution.

4381. Might it not be that the objection which you stated would arise, not from the quantity or the quality of the food, but from insufficiency in variety?
It might, I should think.

4382. On what do you ground that belief of yours; is it from observation?
From observation.

4383. You have stated to the Committee that you have been only two years at Maidstone; has that period afforded you sufficient experience to enable you to judge with accuracy on such a point as this?
Perhaps not; I should be sorry to place my experience of only two years against that of men who have been a much longer time acquainted with this subject.

4384. Have there been many instances which have come under your notice where that diet has appeared to you to be insufficient for the long-sentenced prisoners?
Yes, I think I have observed it in a good many instances, particularly with regard to those on the wheel. I say nothing of other work. I have never found that the women suffer at all. I have asked the matron, and I have also asked others who have been at the gaol, and the assistant governor, who has been a long time there, about it, and he has observed the same thing himself, and I find that the women do not suffer.

4385. Do you weigh the prisoners on their entrance and at their departure?
No, we do not.

4386. What is it, then, which leads you to believe that there is a falling off in strength on the part of the men?
Their appearance.

4387. Is that a view which is entertained by the surgeon also?
Yes.

4388. Is it the surgeon's practice to issue extra diets?
Only in a very few instances; it is very rare, indeed, with us.

4389. Can you state the number of extra diets issued during the last year?
Yes, I can; but I must ask first, whether by your question you mean me to include those who are in the hospital.

4390. The Committee understand by "extra" that there are allowances issued by the surgeon to men who are not on the sick list, but who, in his opinion, are unequal to their work, or unable to maintain a fair share of health on the ordinary prison fare?
The extra diets would then relate to bakers and cooks. The bakers have to rise at three or four o'clock in the morning, and they do not go to bed sometimes till eight o'clock, when they are locked up. They are at work all that time, and for the most part in a very hot place; and, whether it is right or not I cannot say, but

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but it has always been the custom to give those men a pint of beer each because of their being in a very heated atmosphere all day for such a number of hours. I believe that has been given entirely from the doctor's recommendation, saying that it was necessary for their constitution; how far it was necessary I do not pretend to say; but that has been so. There are seven of those extra diets. Then there are only five other men in the whole prison who have been ordered anything extra, and those have a pint of beer each; they are men with scrofula, or some other disease, and who have been in the prison for some time.

4391. But if the hard labour of the wheel is seriously telling on a man's constitution at the end of a year or 18 months, would it not be the duty of the surgeon to order him extra diet, supposing it was necessary to continue that hard labour?

Yes; or to take him off the wheel, and he has almost invariably adopted the latter course on a prisoner's health appearing to fail.

4392. Would not, therefore, the inference be that the wheel was not telling so much upon their health as a former answer of yours seemed to imply?

No, I think not; the clearest proof to my mind that the diet is not sufficient for a prisoner at wheel labour is that instances are very rare indeed in which a prisoner has ever done six months consecutively on the wheel without having been taken off at least once for ten or 14 days by the surgeon for rest.

4393. Earl *Cathcart.*] Assuming that one house of correction is situated in the country in healthy fields and in a good atmosphere, and that another prison is situated in the middle of a smoky manufacturing district, do not you suppose that a diet which might be quite sufficient in one place might be rather insufficient in the other?

It might be so; but that is a point rather for a medical man than for me.

4394. Earl of *Romney.*] Practically, does it really happen that the surgeon orders extra diet to men on the wheel?

Very rarely; whenever a man becomes weak and shaky the surgeon orders him into the factory to rest.

4395. Can you state how many were ordered last year?

I do not think any of the five men to whom I have alluded were on the wheel.

4396. With regard to the effect of the wheel upon the long sentenced men, you wish the Committee to understand that you have observed that at the end of twelve or eighteen months they show by their countenance and general appearance that the wheel is telling upon them?

Yes, even after six months; I have never known an instance of a man doing twelve months without being taken off by the surgeon.

4397. But is not that just what would be the effect of any other severe labour which is performed by men out of doors?

That I should doubt; I do not think you ever see such effects produced by labour out of doors as you see produced by the wheel.

4398. If a man is put to very severe labour out of doors, it tells upon him to a certain extent; and you are of opinion that the wheel tells upon him to a still greater extent, inasmuch as it is much severer labour?

Yes, I think it is; and it becomes much harder labour when accompanied with such unvaried monotonous diet.

4399. *Chairman.*] You have stated, have you not, to this Committee that the ordinary amount of labour on the treadwheel for men sentenced for more than 12 months is at the rate of nine hours per day in the Maidstone Gaol?

I stated so; but I ought to have explained that that applied to summer time; we change the amount according to the season of the year; I think I was asked the maximum time that they were kept on the wheel, and in summer it would be nine hours, but it would be very much less in winter, probably not more than six and a half hours.

4400. Marquess of *Salisbury.*] For what reason is that difference made?

Because our rules say that we are to lock and unlock according to sunrise and sunset, and we have a scale which comes as near to that as can be.

4401. *Chairman.*] Is corporal punishment in use in Maidstone Gaol?

Yes; the Visiting Justices inflict it for any offence which I may bring up to them; generally for insubordination, or anything of that sort, it is inflicted.

4402. How many cases have you had within the last year?
Eight.

4403. Can you state the number of re-committals?
Five hundred and thirty-nine.

4404. Marquess of *Salisbury.*] Do you suppose that many escape your notice?
Yes, I think a good many do escape our notice; we have to trust a great deal to what the prisoner tells the gatekeeper as to whether he has been in prison before or not; we often have not the means of knowing whether he has been in Wandsworth Gaol, or some other gaol.

4405. Have you often to appear in court upon an indictment to prove a previous conviction?
No; I have never been called upon to do so, but some of my officers have; it is not of very frequent occurrence.

4406. To what do you attribute that?
I do not know at all.

4407. Do you receive many applications from other counties to send officers to identify prisoners?
No, not a very large number.

4408. Do you always attend to such applications?
Yes, always.

4409. Is there any dissatisfaction expressed on the part of your warders on account of the expense of going to identify prisoners?
None at all; they like going, of course, because they get away for a change, and have their expenses paid.

4410. Do you think that their remuneration is sufficient?
I think so; I have never heard any complaint.

4411. *Chairman.*] With regard to diet, you stated to the Committee that you were 18 months as an officer in the Dartmoor Prison; is there any difference between the dietary in use in Dartmoor and that in Maidstone?
Very great difference.

4412. Which dietary is the largest?
The dietary in Dartmoor.

4413. In what does the superiority of the Dartmoor dietary consist?
It is better both in quantity and in variety; for instance, our highest diet is four ounces of meat, whereas the highest diet at the prison at Dartmoor is six ounces of uncooked meat without bone; and when they have soup at Dartmoor they have four ounces, I think, of meat with the soup, and the strength of the soup which is very strong as well; then they have pudding on some days, and peas on other days; they have a very much more varied diet than we have in Maidstone Gaol; but then these are all prisoners with long sentences, and they are all invalids, Dartmoor being an invalid establishment.

4414. Earl of *Romney.*] Do you think there is anything in the system at Dartmoor that tends to reform the prisoner more than at Maidstone?
No, I think certainly not; they are both on the associated system; Dartmoor is almost entirely so.

4415. Marquess of *Salisbury.*] At Dartmoor there is a great deal of agricultural work, is there not?
Yes, and other outside work; I think that agricultural work is a very good thing for a prisoner.

4416. Earl of *Romney.*] Do you think that, on the whole, the system at Dartmoor tends to reform a man?
Not to any extent. Association, I think, must always stand in the way of reformation; and I do not think that, under any system in a prison, anything more can be done than a foundation laid for reformation.

4417. What is principally aimed at there?
The authorities aim at producing among the prisoners habits of industry, and to

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to prove to them that it is their interest to lead regular, sober, and industrious lives. I think the trades have a tendency certainly to reformation in a man; I have seen a man who has never known a trade at all, and never could do anything for his living, a man probably of the regular thief class, who has learned a trade there, and become a capital shoemaker by the time he has left the prison.

4418. Do you think that he has learnt to behave himself properly when he is released?
I cannot say what he would do when he goes back again to his old haunts; I think it is very difficult to say how many do become better. He has certainly been taught how to behave himself properly.

4419. What is your own opinion upon that point?
My opinion is that not a very large number of prisoners in any prison become permanently reformed.

4420. Earl of *Dudley.*] Would you not draw a distinction between first and second convictions with regard to the beneficial effects of prison discipline?
Precisely; because it implies quite a different class of man, if he is convicted a second time. A man may be convicted the first time from having been led into error.

4421. Then it would follow naturally that prison discipline would be a lesson to him, would it not?
Yes, it would in those cases.

4422. Then evidently you draw a distinction between first and second convictions?
Yes, I do; I should wish to explain that there is such a difference in the class of prisoners altogether, that it is very difficult to answer a general question of that kind at once. There are some men who have got into trouble in their money matters, and so on, and who have committed some swindling transactions for once in their lives. Such men, I think, would be afterwards the better for being confined in prison, from having had time to think over their past life. But when I stated that I thought very little improvement was effected by prison discipline, I referred more particularly to those men who are of the house-breaking class, and who are born thieves. Persons of that class I believe scarcely ever become any better, whatever you do to them.

4423. *Chairman.*] Have you any other suggestion which you wish to make to the Committee with regard to the internal discipline of the prison?
Nothing occurs to me at the moment.

[The Witness is directed to withdraw.

Mr. CHARLES AUGUSTUS KEENE is called in, and examined as follows:

Mr. C. A. Keene.

4424. *Chairman.*] YOU are the governor of Leeds Prison, are you not?
Yes.

4425. Is that a borough gaol?
Yes.

4426. How long have you held the office of governor there?
One year and four months.

4427. Had you ever held any prison office previously?
I was seven years steward of the City of London Prison at Holloway.

4428. What is the duty of the steward of a gaol?
The general superintendence of all the labour, and the safe custody and issuing of stores. Previously to that I was two years clerk at the Wandsworth House of Correction in Surrey.

4429. How many prisoners is the Leeds Prison capable of containing?
There are 342 separate cells; and there are some cells now making which are not completed.

4430. Is

4430. Is that gaol on the separate system?
Yes.

4431. Are all the cells of which you speak certified?
Yes, with the exception of those which are not quite finished.

4432. What is the average number of prisoners who are in confinement in your gaol?
There were 266 last year.

4433. Do the majority of them come from the town of Leeds, or from the surrounding country?
The greater part of them come from the town of Leeds.

4434. Are a large proportion of those prisoners re-committed prisoners?
A very large proportion indeed.

4435. Are the offences generally heavy in their character?
No, not at all so; they are rather light offences. The breaches of the Leeds Improvement Act supply the greatest number, such as idleness and sauntering about the streets, drunkenness and riotous behaviour.

4436. Do you carry your system of separation through every part of your prison system?
I do not in the kitchen department; there are five prisoners there assisting the cook, and they are not kept in separation, of course.

4437. Were those men selected for good conduct?
Yes, they were selected for good conduct. They had served a long time in prison, and the doctor, thinking that they were declining in health, recommended some lighter employment for them. Those I pick out for such employment as gardening and working in the kitchen.

4438. Do you use the cell system in the chapel?
Yes, with the exception of a few seats; I think there are 50 seats which have been thrown open.

4439. When was that done?
About thirteen years since.

4440. What was the reason?
The magistrates wished to try the experiment whether the prisoners conducted themselves as well in the open seats as they did in the boxes.

4441. Has the result of that experiment been to induce them to throw down the other separations?
No; they believe that the prisoners conduct themselves better in the separate boxes than in the open seats; the open seats give too great facilities for communication, and for signalling one to the other.

4442. Is it your opinion that the separate system in chapel is, on the whole, most desirable?
Undoubtedly.

4443. Have you found any great difficulty with regard to the partitions being defaced or scratched by the prisoners?
No, not at all.

4444. Earl of *Dudley*.] Or any acts of indecency?
There are some few cases, but they are very rare.

4445. Have you been generally able to punish whenever such an offence has been committed?
No; I have not been able in every instance to put my hand upon the man; but, in some instances, the officers, who occupy elevated seats, have seen a prisoner scratching; and in those cases, which are very few, I have been able to punish them; but there have been cases in which I have not been able to punish.

4446. Is the chaplain satisfied with the separate system in the chapel?
Yes; he prefers it to the associated system.

4447. How long has he been in that office?
Six years.

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4448. Was he the chaplain of any gaol previously?
No.

4449. Is the chapel used as a school-room?
No.

4450. Is there another school-room?
There is a school-room which is used for boys, but the adults receive their instruction in the separate cells. The schoolmaster goes from cell to cell, and the chaplain also.

4451. The Committee, therefore, understand that the system of separation is carried out as strictly as you are able to do it?
Quite so.

4452. What is the labour that is enforced in the Leeds Gaol?
Weaving, bagging, canvas, and cocoa fibre matting, making mats, and picking wool and oakum.

4453. Have you no treadwheel labour?
No.

4454. Nor any crank labour?
Yes, I have the crank.

4455. What form of crank labour is it that you use; is it a crank with one continuous shaft, or is it the separate crank, which goes by the name of the hard-labour cellular crank?
It is Botten's hard-labour cellular crank; but we have very few of them, and they are very seldom used.

4456. To what class of prisoners do you apply them?
To those who exhibit great stupidity in learning the different trades, and who are not picking them up sufficiently quick; we put those upon the crank who will not learn, or fail to perform their task.

4457. Do you employ short sentence prisoners in industrial occupations?
Only in picking oakum and picking wool.

4458. How are the cells ventilated in which those cellular cranks are placed?
They are ventilated precisely the same as the rest of the cells.

4459. Are they ventilated by a flue, or by a window, or by both?
By a flue; and some of them have also ventilators in the windows.

4460. Have you ever found that, from the use of those cellular cranks, the air becomes vitiated, and inconvenience arises to the health of the prisoner?
No. The fact is that they are seldom used; but I never found any ill effects resulting from them at all.

4461. Therefore, as I understand, you make use of the cellular crank as a punishment, and as an exceptional form of discipline, rather than as a regular one?
Quite so.

4462. Does that arise from a preference in your mind for productive labour over unproductive labour as being more profitable to the gaol, or as being a better form of discipline to be applied to the prisoners?
I think that productive labour is a much better form of discipline than unproductive labour.

4463. On what ground?
I think that the working of those cranks becomes exceedingly tedious to the prisoner, and if long continued, injurious to his health.

4464. But is it, in your opinion, desirable to cut off from the prison system that which you may call the irksome, and tedious and monotonous element?
While they are engaged at the productive labour, they are at the same time learning a trade which, on their discharge, enables them to get their living if they are so disposed.

4465. But assuming that a carpenter or a shoemaker is sent into your prison, it would probably be your practice to put him to that trade with which he was conversant?
Not necessarily so. I generally keep one man in the carpenter's shop.

4466. Would you not employ a carpenter who was in confinement in carpentering and a shoemaker in shoemaking?
Yes, if I required them I should.

4467. Would you not endeavour to do it; would you not think that it was utilising the labour which was at your command?
I should not have the facility of employing every carpenter that came into the prison.

4468. Would you do so if you had the facility?
I should do it only so long as their labour was required.

4469. Then, is it your opinion that a prisoner would prefer to be employed on his previous trade, or to be put to unproductive labour, in the tedious form of labour on the treadwheel and the crank?
He would undoubtedly prefer his own labour.

4470. Is it, in your opinion, desirable to make the form of discipline, whatever it be, palatable to the prisoner in that respect?
No, certainly not; but all labour is tasked, and if sufficient is not performed the prisoner is punished.

4471. Then on what ground is it that you express a preference for industrial labour over the treadwheel and the crank in a disciplinary point of view?
Merely because I think that a great part of the prisoners call themselves labourers who really have no trade; and teaching them weaving and matmaking, and weaving cocoa-nut fibre matting, would enable them, if they were so disposed, after the time of their imprisonment expired, to obtain their livelihood.

4472. Is it, therefore, with a view to their ultimate reformation that you advocate that?
Yes; but in the case of incorrigible rogues I should prefer putting them on the hard-labour machine.

4473. Then is it your opinion that the very large majority of your prisoners are not confirmed criminals?
I do not think they are.

4474. You stated to the Committee a short time since, did you not, that the re-committals formed a very large proportion of your prisoners?
Yes.

4475. Do you suppose that those re-committed prisoners are prisoners who for the most part are incorrigible?
I do not consider them like incorrigible felons. They are incorrigible so far as disorderly conduct in the streets and minor offences, such as drunkenness, are concerned.

4476. Do you consider that they are open to reformatory influences?
Quite so in the case of very many of them.

4477. And is there no class within your gaol whom you would look upon as practically incorrigible?
There are the regular pickpockets; I look upon them as incorrigible undoubtedly.

4478. Do you look upon the class of receivers of stolen goods as incorrigible?
Quite so; but I very seldom have any in custody.

4479. Again, do you look upon the class of forgers or coiners as open to reformatory influences?
I should look upon the coiners as incorrigible, but I cannot say the same with regard to the forgers in all cases.

4480. Again, do you believe that the utterers of bad money are a class who are not open to reformatory influences?
I should say that they were incorrigible.

4481. Are there many in your gaol that would come under those different classes?
There are not many of those classes.

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4482. Are the Committee, then, to understand, that whenever you find a man of that class whom you state you consider to be incorrigible, you would employ him upon the crank?

No; because I could not in every case, seeing that we have not sufficient cranks for so large a number of prisoners.

4483. You stated, did you not, that the crank was very often left quite idle?

Yes, it is quite idle at times.

4484. Are there times when there is no one person in your prison who could be placed under any of those separate heads; is there any moment when you have not a coiner or a forger, or any of those whom you have mentioned as of the incorrigible class?

4485. Earl of *Dudley*.] According to your evidence, it would seem natural, would it not, that the cranks should be employed by those men?

My own opinion is not to use those cranks.

4486. *Chairman*.] On what ground is it that those cranks are allowed to remain useless?

The justices for the most part prefer productive labour.

4487. If so, is not the result of your evidence this, that productive labour is, in your opinion, the most desirable labour on which to employ those prisoners?

Yes.

4488. And is not the reason of that, that productive labour is the most remunerative as regards the funds of the prison?

Yes.

4489. You would not object to unproductive labour on the ground of discipline, or on the ground of the ultimate reformation of the prisoner, but you object to it because it is in fact wasting the productive energies of the man?

Quite so; that is my opinion.

4490. And you state that that is the opinion of the Visiting Justices also?

Yes, I believe it is.

4491. What is the total profit from the labour of the prisoners, which your balance sheet shows?

£. 782. 4 *s.* 7 *d.* last year; that is adding the estimated value of the work done for the benefit of the prison, in addition to the actual profit earned by the prisoners for the goods that have been sold.

4492. Earl *Cathcart*.] You do not estimate paying for cleaning and that sort of thing, do you?

No; I estimate the value of the carpentering and painting, and so on; 552 *l.* 13 *s.* 2 *d.* is the amount of money actually received from goods sold.

4493. What proportion does that bear to the whole expense of the establishment?

The expenditure was 4,841 *l.* 18 *s.* 4 *d.*, and the prison earnings amounted to 782 *l.* 4 *s.* 7 *d.*

4494. Earl of *Romney*.] In order to get at that profit of 552 *l.* 13 *s.* 2 *d.*, do you charge against the earnings the cost of the maintenance of the prisoners who work at those several employments?

No.

4495. If you did so, you would get no profit at all?

No.

4496. Marquess of *Salisbury*.] What is the average number in the prison?

265·96.

4497. *Chairman*.] Can you give the Committee the average number of recommittals?

I can give the total of last year; males, 867, and females 358; total, 1,225.

4498. What was the total number of persons who were committed to your gaol during last year?

Males, 1,826; females, 622; total, 2,448.

4499. Therefore,

4499. Therefore, from the figures which you have just given the Committee, the re-committals are at about the rate of 50 per cent.?
Yes.

4500. Do not you consider that a very high proportion?
Exceedingly high.

4501. Has that number been increasing or diminishing?
It has been increasing.

4502. Can you state what the increase of crime has been of recent years, and from what period that increase dates?
My experience would not go beyond 12 months in Leeds.

4503. Do you think that these figures show that the system, as pursued at Leeds, is practically answering its purpose?
It would not appear so from that statement; but I think that the opening of saloons and public-houses, and places of that sort, has sent a great number of young men to prison.

4504. Is it possible to suppose, from this number, that the gaol, as administered under its present system, exercises a very deterrent effect?
It would not appear so from the number of re-committals.

4505. Would it not, therefore, be probable that some part of the system might be erroneous?
Possibly it may be so.

4506. Earl *Cathcart.*] You stated, did you not, that a great many cases of committal to your prison arose from drunkenness?
Yes.

4507. You do not suppose that the influence of prison discipline would check drunkenness in any material degree; if a man is an habitual drunkard, when he goes out of prison he would get drunk, and come back again, would he not?
Yes; I think that the shutting up of those places which I have referred to would tend more to diminish the number of prisoners than the discipline which they would receive in prison.

4508. *Chairman.*] Do you mean that a large proportion of prisoners are committed to prison for the mere act of drunkenness, or do you mean that the act of drunkenness on their part led them into the commission of other crimes and offences, such as assaults and the like, which ended in their committal to prison?
I mean that the increased number of prisoners arises from drunkenness, and from the effects of drunkenness, such as assaults and other disorderly conduct.

4509. Will you be good enough to state the numbers of prisoners committed to Leeds Gaol simply for the offence of being found drunk in the streets?
There were 493 commitments for drunkenness and 105 for breaches of the Wine Licenses Act, the 23d of the Queen, chapter 27.

4510. Has vagrancy increased, in your opinion?
There is a slight increase in this year's return.

4511. Has larceny increased?
To a slight extent.

4512. Have assaults increased?
Yes.

4513. Have offences under the head of wilful damage increased?
Yes, under that head also.

4514. Have more persons been taken up as reputed thieves than formerly?
I cannot answer that question positively; I think their numbers have a little increased.

4515. In point of fact, there has been a general increase of crime?
Yes, there has.

4516. The number of re-committals I gather from your evidence is somewhat larger this year than it was in previous years?
Yes.

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4517. There has been, therefore, a proportionate rise in the re-committals and in the amount of crime in Leeds generally?
Yes.

4518. I understand from this table which you have placed in my hands, that in the year 1856 the total number of committals was 1,326?
Yes.

4519. In 1857 it had risen to 1,648, in 1858 to 1,910, in 1859 to 1,866, in 1860 to 1,848, in 1861 to 2,420, and in 1862 to 2,448?
Yes, that is so.

4520. What punishments are enforced in your gaol for minor prison offences?
The light and dark solitary cell from one to three days.

4521. Do you have recourse to stoppage of diet?
In a very few cases indeed; in some slight cases I might stop a man's supper, but the cases would be few: that used to be a very common punishment, but this year I have kept strictly to the light and dark solitary cell, with the exception of very few cases; there might not be a dozen cases of stoppage of diet in the whole 12 months.

4522. Do you find that either the light or the dark solitary cell is an effective punishment?
Yes.

4523. Do the prisoners ever repeat an offence after having been shut up in those cells?
Some of them will commit the offence again, but at the same time they do not at all like the punishment.

4524. Do you make any use of corporal punishment?
Not since I have been there.

4525. It has been disused for many years?
I am aware that it has been disused for a great number of years.

4526. Have you practically so far disused it that you would never use it on any occasion?
I do not think the magistrates would sanction it.

4527. Are you aware of what their feeling is on that subject, and on what grounds they have abandoned it?
No; I believe that they have a strong feeling against it.

4528. From your experience, are you at all aware what the effect of corporal punishment is?
As far as I am concerned, I think that corporal punishment is a very good punishment with regard to juveniles.

4529. My question had reference to offences against prison discipline, breaches of prison rules?
I think in extreme cases it might be adopted, but only in extreme cases.

4530. Would you, from your experience, be willing to abandon the power of making use of corporal punishment?
No, I should wish to retain it, undoubtedly.

4531. What is the diet which is in force in Leeds Gaol?
I have not a copy of the diet table with me; but it is not the official dietary.

4532. Is it higher or lower than the official dietary issued by the Home Office?
It is an extraordinarily mixed diet.

4533. In what sense of the word do you mean that it is a mixed diet?
There are no two days alike; it differs every day in the week.

4534. How many classes have you?
Five classes.

4535. Do the classes, in point of time, correspond with the classes in the official dietary?
I think not.

4536. How

4536. How often is meat given during the week to the highest class?
It is given every day.

4537. From your experience of this dietary, is it your opinion that it is such as is required by the wants of the prisoners, or that it is in excess; or that it is too low?
I consider it rather a liberal diet, more liberal than the official dietary?

4538. Do you consider it too liberal?
It is too liberal in one sense; but by being so liberal it keeps down the extra allowances by the order of the surgeon; perhaps the one may balance the other.

4539. Can you state to the Committee the number of extra diets which were issued last year?
I cannot.

4540. Can you state what the ordinary number is?
No, I cannot do that; there are very few indeed upon extra diet, certainly not more than an average of eight.

4541. Earl of *Dudley*.] In what cases is extra diet given?
Only by order of the surgeon, for men losing strength, and falling off in weight.

4542. Have you much sickness in your prison?
Very little indeed; last year there was a great decrease of sickness.

4543. Is the position of the gaol in Leeds a sanitary one?
Quite so.

4544. *Chairman*.] There is a system of intercommunication established, is there not, between your gaol at Leeds and the Wakefield prison in order to identify previously convicted prisoners?
Yes.

4545. Will you state to the Committee whether you have found that arrangement very beneficial?
I have found it very beneficial indeed, because on several occasions when I have gone over to Wakefield with our officers we have detected prisoners who were waiting for trial at the Wakefield Sessions, who would not otherwise have been detected, and *vice versâ* when they have visited Leeds.

4546. Are you aware whether it is a difficulty which is frequently experienced in courts of law to prove a previous conviction?
I have experienced no difficulty at all in that respect.

4547. Are you not aware that very often a prisoner is in the dock, and that there is a moral certainty that he has been previously convicted, and yet that it is impossible to prove it?
Yes, we have been unable to find officers who could prove the previous conviction.

4548. Does not this system of communication between two such gaols as Leeds and Wakefield facilitate the proof of such previous conviction?
Greatly so.

4549. How is that communication between your two gaols carried on?
Some three or four days previous to the Sessions being held, the governor of Wakefield Prison will write to me, and ask me to send some of my officers over, and I send three of my oldest officers, who have been longest in the prison, over to Wakefield; then the prisoners are drawn up and brought into the room one by one, and several questions are asked them.

4550. Then you find that very often prisoners are identified by that means?
Yes; I know no instance of going to Wakefield without being able to identify one or two; and sometimes half-a-dozen are identified.

4551. Are you of opinion that it would be a benefit if that system were extended to other gaols?
Yes, a very great benefit indeed.

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4552. Have you ever considered the propriety of extending it to some other large towns in your district?

I have not.

4553. Would there be any practical difficulty or objection to so doing?

I see none, except that it would draw off a number of officers from the prison if they were continually moving about. Wakefield being so near Leeds, we have no difficulty on that score.

4554. Earl of *Romney.*] Are the main objects sought for at Leeds the reformation of individual prisoners, and the saving of cost, as far as possible?

Quite so; these are the two great objects.

4555. Rather than the punishment of prisoners generally?

Yes. Perhaps I may be allowed to remark, in the case of the Criminal Justice Act, there are a considerable number of prisoners sentenced who, if they had been remanded, some of their previous characters would have been found out. I think that in such cases when any prisoner is committed, he should be first remanded to prison for a few days, in order to give time for that. If any clause could be inserted in the Gaol Act, compelling prisoners to have their likeness taken by photograph, it would have a very beneficial effect; we do it in our gaol.

4556. Earl of *Dudley.*] Have you ever had any difficulty in getting a likeness?

Only in one case.

4557. Did you take the man after all?

No, he was taken so very badly, indeed, that it was not of much use.

4558. *Chairman.*] Have you ever considered the possibility or the desirability of affixing any mark upon a prisoner upon a second conviction, or upon his being sentenced to penal servitude?

I think it would have a very good effect.

4559. How many hours in the 24 are devoted to sleep in your prison?

From half-past eight at night till five in the morning, in winter and summer alike.

4560-4575. Earl of *Dudley.*] Are the cells lighted with gas?

Yes, in the winter time. They are not lighted all night; a bell rings at half-past eight, and the prisoners are allowed five minutes before the gas is put out.

The Witness is directed to withdraw.

Ordered, that this Committee be adjourned to Tuesday next, at One o'clock.

Die Martis, 5° Maii 1863.

LORDS PRESENT:

Marquess of SALISBURY.	Earl of DUDLEY.
LORD STEWARD.	Viscount EVERSLEY.
Earl of CARNARVON.	Lord WODEHOUSE.
Earl of ROMNEY.	Lord WENSLEYDALE.
Earl CATHCART.	Lord LYVEDEN.

THE EARL OF CARNARVON, in the Chair.

MR. JOHN DAYTON is called in, and examined as follows:

4576. *Chairman.*] YOU are the Governor of the St. Albans Gaol, are you not?
Yes.

4577. That is a Liberty prison, is it not?
Yes.

4578. Will you state to the Committee what the extent of the Liberty is?
I really do not know the extent; I think it is something like 22 parishes, but I will not be quite certain.

4579. What is the rule under which prisoners are sent to you; do they include all persons who are committed from within that district?
Yes; from within that Liberty.

4580. And for all offences?
No; some are sent to the assizes; capital charges are sent to the assizes. I take all larcenies that are tried at the quarter sessions, but not the assize cases; those are sent to the county prison.

4581. Will you state to the Committee the average number of prisoners in your gaol?
The average number for the last 18 months would be 50.

4582. What has been the highest number that you have ever had at a time?
Sixty-three.

4583. And what has been the lowest?
Twenty.

4584. What are the executive staff of the prison?
I have four warders, a matron, a chaplain, and a surgeon.

4585. Out of the average of 50, what is the proportion of women to men?
The average number of women would not be more, I should think, than 2½; taking the daily average, it would not be three.

4586. Is your gaol conducted on the separate system?
No; it is on the associated principle.

4587. Is it association for all the prisoners?
I have eight cells in which I can put certain classes of prisoners whom it is desirable to keep separate from all but prisoners of the same stamp.

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4588. Do you follow the classification of the Act of George the Fourth?
As nearly as I can.

4589. What is the size of those cells?
I have not measured them; I should think that the separate cells are eight feet by six; the larger wards are very large, and are capable of holding eight or ten men.

4590. What is the largest number of prisoners that you ever had in association at the same moment?
I have had 11 within the last 12 months.

4591. Have you any cells set apart for the purposes of punishment for prison offences?
Yes; two.

4592. Are they light or dark cells?
They are dark cells.

4593. Have you any rooms or cells which are appropriated for untried prisoners?
No; we use the prison cells indiscriminately, and we class them out in the best way that we are able.

4594. Do you ever allow the tried and untried prisoners to associate?
Never.

4595. Do you deal with debtors?
No, they go to the county prison.

4596. When the prisoners are in association, is there any officer on duty to superintend them?
No.

4597. Do not you think that would be an advantage?
I think that it would be a very great advantage.

4598. Is it, therefore, from the want of men that you disregard that precaution?
There is no opportunity of doing so in a prison of this description; it is an old prison which was formerly the gate-house to the monastery, and there is a difficulty in carrying out anything of that kind.

4599. What is the diet which you use in St. Albans?
The diet is a pint of gruel and six ounces of bread in the morning; a pint of soup and six ounces of bread at dinner time, and a pint of gruel and six ounces of bread for supper at night; but there is to be an alteration in that dietary.

4600. Is that for all classes of prisoners?
There are some slight differences in the meals for those on hard labour. I will hand our dietary to the Committee (*delivering in the same*).

4601. I see by this table, that in the case of criminal prisoners awaiting their trial, each man is allowed 106 ounces of bread, and 14 pints of gruel, and 4 pints of soup a week?
Yes.

4602. For the convicted, and not sentenced to hard labour, 168 ounces of bread, 14 pints of gruel and 4 pints of soup, which is the same as for criminal prisoners awaiting their trial?
Yes.

4603. Convicted prisoners who are sentenced to hard labour during the first week, are the same as those classes which I have just read; but after the first week, they have 224 ounces of bread, 14 pints of gruel, and 7 pints of soup. Is that so?
Yes.

4604. So that there is an increase made in the bread, and also to the extent of three pints of soup during the week?
Yes.

4605. What

4605. What is the longest sentence with which you have to deal in St. Albans?

I have had them in prison for two years, but that is some years ago. I have two prisoners now sentenced for eighteen months.

4606. Do you find that this dietary is sufficient to sustain health?

Hitherto I have considered that it has been, until recently; within the last five or six months, the men have gone back slightly. The attention of the visiting magistrates was drawn to that subject, and they have increased the dietary, at the suggestion of the prison inspector, to half a pound of potatoes for those men who are in the receipt of two pounds of bread.

4607. But besides that, you allow no meat?

The only meat that is supplied is three ounces in the soup daily.

4608. Do those three ounces of meat go to each pint?

Three ounces of meat, free from bone, are allowed in the copper to each pint.

4609. And you are prepared now to make an addition of vegetables, are you not?

Yes, that was commenced last week.

4610. I see that in one of the recent reports it is stated that the male prisoners sleep upon the floor without any bedsteads, although there are bedsteads vacant in the prison; is such the case now?

Yes.

4611. Will you explain to the Committee the reason of that?

They made use of them to effect their escape out of the old building, and they were ordered to be taken down by the visiting justices.

4612. In what way were they made subservient to attempts at escape?

They took away the bolts of the bedsteads, and broke the bedsteads up.

4613. What are the bedsteads made of?

Of slight iron bars, with good firm stanchions.

4614. The bedsteads were removed in consequence of this attempt to escape?

Yes.

4615. Are the windows barred?

Yes, the windows are barred.

4616. Have you ever had any escape from the prison?

Yes, several.

4617. To what do you attribute those escapes?

To the weakness of the upper part of the building. They would go from their room into the chapel, and from there into the roof. The upper part of the building is in a very dilapidated state; it is simply lath and plaster, one may call it.

4618. Consequently, in this Liberty prison at St. Alban's, you have very little security for the custody of the prisoners?

Very little.

4619. Is the floor of wood or of stone?

The floors are wooden with the exception of the cells that I have been speaking of; those are stone with wooden bedsteads about 6 inches from the stone.

4620. Do the prisoners sleep together in dormitories?

They sleep together in the large rooms with the exception of those cells.

4621. How many prisoners are there in a room?

They vary from five to ten, it depends upon the number that we have in the prison.

4622. Is there any one on guard during the night?

There is a night warder, but he is allowed to go to bed; he sleeps in the interior of the prison, but he has no control whatever over the prisoners.

4623. In what sense has he no control?

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He is debarred from going into the room. We cannot trust him to go into the room where eight or ten men are confined all night. He has simply to hear what noises may be taking place.

4624. When you say that you cannot trust him to go into the room, do you mean that you could not answer that the prisoners would not commit some violence upon him?
Yes, precisely; that is my meaning.

4625. Have you ever had experience of such conduct on their part?
No; but I have always been very guarded against a matterof that kind.

4626. Is there a night-light burning in the room?
No.

4627. What is the labour which you have in use in your prison?
The treadwheel for raising spring-water for the supply of the prisoners, beating and picking oakum, and knitting stockings for the use of the prison.

4628. Have you the crank?
No.

4629. How many men do you employ upon the treadwheel at the same time?
We can place twelve on.

4630. How many are sufficient to work the wheel?
We work it with two classes of six.

4631. Have you ever found that your numbers have been so short that you have had difficulty in working the wheel?
Not so, because we can throw it out of the gear, and work it with two or three men.

4632. Have you a chapel attached to the gaol?
Yes.

4633. Have you a chaplain?
Yes.

4634. I observed in one of the earlier reports it was stated that it was the practice in the prison to dry the clothes of the prisoners inside the chapel; was that so?
It was so at that time.

4635. Has that practice been altered?
Yes, the clothes are all sent away now.

4636. What was the reason of that arrangement?
The Government inspector of prisons wished me to lay the matter before the visiting justices, and I did so, and they ordered the clothing all to be taken away from the prison, and washed and cleansed and brought home weekly.

4637. How many visiting justices are there?
Eleven now.

4638. How often do they attend to inspect the prison?
They meet monthly, and they visit several times within the month.

4639. Earl *Cathcart.*] Do those associated prisoners make a great noise in the room at night?
Yes, sometimes.

4640. There are ten together, I think I understood you to say?
Yes.

4641. What is the duty of the watchman in case of a riot in those rooms?
To make it known to me directly.

4642. In consequence of that report to you, what do you do?
The lower doors are made secure, and I go into the room with an officer or two.

4643. And you then quell the disturbance and leave them again?
Yes.

4644. Do the prisoners ever assault each other?
Not at night, but in the day-time they have quarrels, in meal hours.

4645. Is a prisoner ever severely beaten by the other prisoners?
No.

4646. With regard to the cost of diet, do you know the nature of the diet in the county gaol and house of correction?
I think it is what they consider to be the Government dietary. I am not sure.

4647. That is a better dietary than yours, is it not?
Yes.

4648. How do you account for the great difference there is in the cost of the diet, because in the county house of correction the cost of the diet is only 7 *l.* 9 *s.* 6 *d.* per head, whereas in your prison it is 12 *l.* 9 *s.* 2 *d.*?
Our goods are contracted for, and there is very little opposition in the trading part of the community. We do not use a very great deal, and they charge us almost what they like, although they send in contracts; and we have no profitable employment in the prison.

4649. The price per head in the county house of correction is 7 *l.* 9 *s.* 6 *d.* with a superior diet, and in yours, with an inferior diet, the cost is 12 *l.* 9 *s.* 2 *d.* How would you account for the difference?
I cannot account for it, except that the maintenance is considerably dearer at our place than it would be in the county prison.

4650. Is the diet inferior?
The diet is considered to be inferior. I have never seen it in use, but I have understood it to be so.

4651. 12 *l.* 9 *s.* 2 *d.* is about the highest rate of all prisons, is it not?
I am not able to say.

4652. Earl of *Romney.*] Do you advertise for tenders for goods supplied to the prison?
Yes, but we scarcely ever have more than one tender of a sort sent in.

4653. Lord *Lyveden.*] It would seem that it is generally pretty well understood amongst the tradesmen?
Yes, it appears to be so.

4654. Earl of *Romney.*] Perhaps you could buy the articles as cheap in the market?
Yes, I think we could.

4655. Earl *Cathcart.*] Is your clothing of an expensive character?
No. We pay 16 *s.* a suit, and I do not consider that too much.

4656. Marquess of *Salisbury.*) Do you always put your prisoners in the gaol clothing?
Yes, with the exception of those prisoners committed for trial who are desirous of wearing their own clothes.

4657. All convicted prisoners, I presume, do wear the prison clothing?
Yes.

4658. *Chairman.*] Occasionally it happens, does it not, that you have a prisoner who has been re-convicted many times, and who belongs to the hardened class of offenders?
Yes.

4659. And occasionally it happens that such a man is very mutinous and refractory?
Yes.

4660. How do you deal with such a prisoner?
I punish him by placing him in solitary confinement for not more than three days; perhaps I repeat that twice or thrice, and then if it does not have the desired effect, I take him before the visiting justices.

4661. And what follows then?

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Then they punish him by an increase of punishment, say a week or fortnight, or they whip him.

4662. In what cells is he locked up?
Away from all the others, in one of those separate cells that I have mentioned.

4663. What is the size of those separate cells?
I think about eight feet by six feet.

4664. How long do you keep him in confinement?
Until he is seen by the visiting justices; and if he is ordered to be further imprisoned, he is kept there during that period, whatever it may be.

4665. In what state is the ventilation of those cells?
The ventilation of those cells is very good; there are ventilation pipes through all those cells.

4666. But those cells are not much more than two-thirds of the size of the ordinary cell, as certified by the inspector?
I do not know how that may be; they have not been constructed many years.

4667. How frequently during the course of the year have you had recourse to corporal punishment?
I think during the last year not more than twice or thrice; I think I have twice called in the visiting justices.

4668. Have you a surgeon attached to the gaol?
Yes.

4669. Have you a sick ward or an infirmary?
We have a large room that we set apart for an infirmary.

4670. How many hours of labour do you give to the prisoners?
At this time of the year and for the next four months, we shall give them eight hours.

4671. The tread-wheel, as I understand, is the only hard labour upon which they are employed?
The only hard labour; the other labour is beating and picking oakum.

4672. Do you continue the tread-wheel in the case of men sentenced to 18 months' confinement?
I should do so, but that would rest entirely with the medical officer.

4673. You would judge of that by the state of his health?
Yes.

4674. You stated just now, that escapes have been frequently attempted and occasionally with success?
Yes, in one or two instances; previous to 1858 we had several, and some of the men who have gone through the roof of the building, have not yet been re-captured, although others have been.

4675. Do you attribute that to the want of numbers and efficiency in the staff which you have at your disposal, or do you attribute it exclusively to the state of disrepair into which the gaol has fallen?
Exclusively to the state in which the old building is.

4676. Have you ever had any thing like outbreaks amongst the prisoners?
No.

4677. No mutinous conduct?
No.

4678. Has the condition of this gaol been frequently the subject of the Inspector's reports?
Yes.

4679. Earl of *Dudley.*] Has anything been done in consequence?
Yes, the magistrates are now about to erect a new building; they are getting in the plans now, and are in communication with several prison architects.

4680. *Chairman.*]

4680. *Chairman.*] Do they propose to rebuild it entirely, or to alter it?
To rebuild it entirely on a fresh site; the site has been purchased, and it is to be upon the separate principle.

4681. How long have you held the appointment of Governor of the gaol?
Twenty-three years.

4682. Have you ever been engaged in any other capacity in any prison?
No.

4683. Have you had any experience of other prisons?
I cannot say that I have.

4684. Do you consider that the state of the Liberty Gaol of St. Alban's is a satisfactory state with regard to the maintenance of discipline, and the effective control which you can maintain over the prisoners?
Not so much so as I could wish.

4685. What do you consider would be necessary to bring that prison into consonance with your notion of what is right?
I do not think that could be done in its present state.

4686. Do you not believe that there would always be a difficulty, where the number of prisoners are so small, in dealing with them economically, and at the same time efficiently?
I do not think that I could deal with them efficiently, for taking the whole building in its present state, I do not think it is possible to carry out any degree of discipline at all, night or day.

4687. You stated that you had four warders?
Yes.

4688. Will you be good enough to state to the Committee, what the amount of pay is which is issued to those men?
They have 1 *l.* a week, each of them, with the exception of the chief warder, and he has 65 *l.* a year.

4689. What proportion of these warders sleep in the prison?
The chief warder has a house, and one of the sub-warders sleeps in the prison.

4690. And those two men and yourself are the only three officers that are in the prison at night?
Yes, we are the only three officers in the prison at night; we have no boundary wall; but there is a night watchman outside, walking round.

4691. Is there no exterior wall?
No.

4692. When it becomes necessary, in consequence of the ill health of a prisoner, to give him open air exercise, how do you provide for it?
He is sent into one of the airing-yards with an officer.

4693. Have you an airing-yard?
Yes, we have three airing-yards.

4694. Earl *Cathcart.*] It has been lately stated, in a very widely-circulated journal, that bribery prevails to a great extent in prisons; did you ever know a case where a prisoner, or the relations or friends of a prisoner endeavoured to bribe a warder?
No, not in my prison.

4695. *Chairman.*] Have you ever known of the introduction of prohibited articles of food through any of the prison officers?
No, not through any of the officers.

4696. Have you ever known of their introduction at all?
Some years ago I have known it done through the friends of the prisoners, but not of late years.

4697. What means of communication had the prisoners with their friends?
They brought the prohibited article secreted in their dress, and tried to pass them when visiting the prisoners.

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4698. Are a prisoner's friends allowed to pay him visits?
Yes, at certain times.

4699. How frequently, and after what period of confinement?
The convicted male prisoners are allowed to be seen at the expiration of three months of their time, and once every subsequent two months.

4700. What are the arrangements under which they are seen?
Now they are brought into one of the airing-yards, and are seen through the bars of a small office, so that it is quite impossible that anything can be introduced without the officer present seeing and knowing that such is the case.

4701. How frequently do the men go to the chapel?
Every morning.

4702. Earl *Cathcart.*] What do men do at night for the necessities of nature?
They have a closet in every room with the exception of one; there is one closet to two large rooms, and in the one room without the closet those men who cannot get to the closet have a night convenience taken in.

4703. Does not that make the room very disagreeable?
That room it does.

4704. Almost unbearable, I presume.
I should say almost unbearable.

4705. *Chairman.*] The Committee understand, from what you have stated to them, that communications pass quite freely between prisoner and prisoner?
Yes.

4706. Have you ever become aware of the injurious results of that communication?
I have not become aware of it; I have understood that such has been the case, but I could not say so from the sources which I have heard it from; I could not say that there was any truth in it, nor could one rely upon the source from whence we obtain the information; but I have no doubt in my own mind that plans are concocted, and things carried out in the rooms that we have no control over.

4707. Do you not think that it is probable that a prisoner who may be sent in there for a first conviction may, through associating with a previously convicted prisoner, be very easily contaminated?
I do think so, and I am always very anxious to prevent that prisoner from associating with any others of the bad class.

4708. You endeavour to neutralise it as far as lies in your power, by classification?
Yes.

4709. But you do not believe that the classification is altogether effective?
No, it is not effective.

4710. Earl of *Dudley.*] You have no real and proper separation, as I understand?
No; I have eight cells, and these I chiefly keep for juveniles, and prisoners committed for trial; that is all the separation that we have. Within the last three or four months I have had seven prisoners under sentence of penal servitude, and those prisoners I was compelled to place in those cells.

4711. But then they again, at certain times of the year, have free access to the other prisoners, have they not?
No, I keep them entirely separate.

4712. But during any portion of the day, during chapel hours, or anything of that sort, cannot they get to the other prisoners?
Only during chapel, and then no communication can take place without its being seen.

4713. Earl *Cathcart.*] Is there anything to prevent two prisoners being in one bed, or have they each a separate bed?
They have each a separate bed, but there is nothing to prevent them from placing two beds together.

4714. Have you ever had any charges of a disgraceful and felonious character? *Mr. J. Dayton.*
No. 5th May 1863.

4715. Earl of *Dudley*.] Have you any means of knowing it if it does go on?
No, certainly not; but I have never heard of any complaint of the kind.

4716. *Chairman*.] You wish the Committee to understand, that under circumstances such as you have described, it is almost impossible for you to discharge your duty in a manner satisfactory to yourself?
I feel that it is so.

4717. Marquess of *Salisbury*.] Has there been an estimate made of the expenditure necessary for the new gaol?
I am not aware whether the estimates have been brought before the Justices; but I know that they are about to write to different architects upon the subject.

The Witness is directed to withdraw.

MR. GEORGE WHITEHALL is called in, and examined as follows: *Mr. G. Whitehall.*

4718. *Chairman*.] YOU are Governor of the Poole Borough prison, are you not?
Yes.

4719. How long have you held the appointment of Governor?
Four years.

4720. What office did you fill previously?
I was five years and three months in Winchester Gaol, and three years and five months in Southampton Gaol, as one of the chief warders of Southampton Gaol.

4721. What office did you fill in Winchester Gaol?
I was assistant warder there.

4722. What are the average number of prisoners who are confined in Poole Gaol?
About two.

4723. What is the largest number that you have ever had at the same time?
Eleven.

4724. And what has been the smallest number that you have ever had?
Twice during the four years since I have been there it has been empty for eight days.

4725. What number of warders have you under you?
There are only myself and the matron.

4726. Have you no one besides yourself?
No other warder.

4727. The matron looks after the female side, I presume?
Yes, the matron looks after the female side.

4728. Are the prisoners confined in separate cells?
There are seven sleeping cells, and a day room for the prisoners in which they associate.

4729. What is the size of the sleeping-cells?
Eleven feet long and six feet wide.

4730. Do you ever confine the prisoners for the whole of the day and the whole of the night in those cells?
Not unless they are confined for refractory conduct.

4731. Do you ever receive into your prison prisoners who are convicted at the assizes?
No.

Mr. G. Whitehall.

5th May 1863.

4732. You receive only those who are convicted at the quarter sessions?
Yes.

4733. What is the longest sentence with which you have to deal?
Nine months; three months before trial and six months after.

4734. Would there be any reason why a prisoner should not be committed to the Poole Borough Gaol for 18 months or two years?
I do not see any myself.

4735. What quarter sessions send you your prisoners?
They are sent to the Poole quarter sessions.

4736. What are the average number of prisoners that are tried at the Poole quarter sessions?
One, and two, and sometimes there have been three.

4737. Marquess of *Salisbury.*] What is the population of Poole.
About ten thousand.

4738. *Chairman.*] When you have as many as 11 or 12 prisoners in the gaol, has it ever happened that amongst them there has been a refractory prisoner?
No, there has not.

4739. It might be so, I suppose.
It might be so, of course.

4740. How would you be able to deal with such a case by yourself without the assistance of any other warders?
I should immediately then communicate with the police; the police station is about 100 yards from the prison; I have the mayor's authority for so doing.

4741. Have you ever had any attempts at escape?
Yes.

4742. Have those attempts ever been successful?
Yes.

4743. How frequently?
Once.

4744. How did the prisoner escape?
A sister of mine was appointed recently as matron of the gaol, in consequence of the death of my wife, who had been principal warder of Winchester gaol, and knew the duties of the office, but one day my sister neglected to bring the key into our room, and hung it up in the office, which the prisoner had access to, and he took the key and went out through the garden.

4745. Earl of *Romney.*] Was he the only prisoner there at that time?
It happened to be so then; he was re-captured in seven days afterwards.

4746. *Chairman.*] Have you ever had any violence shown by any prisoner?
Not since I have been there.

4747. Have you ever known of it?
I have never heard of such a case.

4748. When you have more than one or two prisoners in gaol, do they sleep in separate cells, or have you any dormitory?
They sleep in separate cells; there are seven cells, and if there are more than seven prisoners in the gaol I sleep them three together.

4749. Where do those three together sleep?
They sleep in one of the cells.

4750. Do you mean to say that those three prisoners would sleep in one of those small cells which you have described?
Yes, that is where we have placed them once.

4751. Is there room for more than one bed?
I place two beds there on those occasions.

4752. Did those three prisoners sleep in one bed?
One night they slept on the two beds placed side by side; it only occurred so one night.

4753. Three prisoners slept in one bed in this small cell?
Yes, one night three prisoners slept on two beds placed side by side.

4754. But that might happen again, if from any accident the prison happened to be full?
It never has been so during the four years that I have been there.

4755. During the day, are the prisoners associated together?
They are.

4756. Do you associate together all classes of prisoners, whether they have been untried, or whether they have been tried?
No; there is a debtors' ward, and if the debtors' ward is empty I do not then associate them together; but if there happens to be a debtor in prison I should be compelled then to associate them together, unless the female ward was empty.

4757. The untried and the tried together?
Yes.

4758. Would you be obliged, under any circumstances, to associate together a prisoner re-convicted for felony with a misdemeanant?
If there happened to be a debtor in the prison I should then be obliged to associate them together.

4759. You have only one room for the purpose?
There is a debtors' ward and a criminal ward, but I should have to associate them together.

4760. You have only one common room besides the debtors' part?
That is all.

4761. Have you ever seen any mischief resulting from this association, either by day or by night?
I never have.

4762. Have you ever heard of any mischief?
No, I have not.

4763. It is stated in one of the recent reports that the female rooms of the prison are approached by a dangerous staircase, and are very close and unwholesome; is that the case?
That is the most unwholesome part that there is.

4764. Are the female rooms separated from the men's side?
They are.

4765. How are they separated?
It is a distinct ward from the male ward altogether.

4766. Is it possible for any communication to pass?
No, it is impossible for there to be any communication. The sleeping cells on the women's side are 12 feet by 12.

4767. Is the staircase in a very dangerous condition?
It is not dangerous; but it comes down so very steep, that if any one does not mind how he comes down, he is liable to fall from the top to the bottom.

4768. Is there any ventilation for those female wards?
Each of the windows lets down, and we can take the window away altogether, so that there is a current of air right through.

4769. Do you ever do that?
We always make them take down those windows every morning, so that they get the open air.

4770. Do you make them take down the windows, and sleep without them?
No, they are up at night, and we take them down in the day time; there are two windows, one is a glass casement, and the other is an iron casing.

4771. Marquess of *Salisbury.*] You mean that you have iron bars beyond the glass?
Yes.

Mr. G. Whitehall.

5th May 1863.

4772. *Chairman.*] What means of labour have you in the prison?
The wheel labour and picking oakum.

4773. Is that the only form of labour?
That is the only form.

4774. Who sets the prisoners their task at the oakum?
I do.

4775. How many men are necessary to turn the wheel?
I can put one, the pressure for one or for four.

4776. Can one man turn the wheel?
Yes.

4777. Do you work the treadwheel with one?
Yes.

4778. How many hours labour do you give him?
Seven and a half hours.

4779. Earl of *Dudley.*] Do you stand and watch him?
Yes, I am there; sometimes I am obliged to leave if there happens to be a ring at the gate, and my sister was out of the way.

4780. And the prisoner leaves too, I suppose?
No; because I am not away above a minute or so at the gate, because the yard is close to it, and I only have to unlock the gate.

4781. *Chairman.*] Does he not probably stop, whilst you are away?
He cannot stop, because I should hear directly by the motion of the wheel, whether it was stopped or no.

4782. At any rate, you are in constant attendance, with that one single exception?
Yes, I am. I stand there all the time that he is on the wheel, or at least I walk up and down.

4783. Marquess of *Salisbury.*] Who is in charge of the prison at this moment?
The police and the matron.

4784. How many prisoners were there in your prison when you left?
There were four when I came away. I have just taken one boy to a reformatory for two years.

4785. You occasionally leave the prison, and go out of doors, do you not?
Yes.

4786. How do you provide for the custody of the prisoners while you are absent?
They are locked up in the yard.

4787. What is the height of the wall?
Twenty-two feet.

4788. Is there an outside wall running round the building?
Yes, there is sharp glass placed round the wall.

4789. Earl of *Romney.*] Do the prisoners' friends throw tobacco over the wall?
Not often.

4790. What is the diet that you give the prisoners?
The same class as that at the Dorchester County Gaol.

4791. Have you got a table of the dietary with you?
Yes, I think I have (*producing the same*).

4792. How do you provide for the diet being served out to the prisoners in accordance with this classification?
It is contracted for.

4793. Who contracts for it?
A person in the town, one of the innkeepers.

4794. What is the contract?
5 *s.* 6 *d.* a head per week.

4795. And

4795. And he contracts to send in food to the prison according to those classes?
Yes, according to those classes.

4796. How does he know to which class the prisoners belong; do you communicate with him?
Yes, I communicate with him.

4797. Is there a surgeon attached to the gaol?
Yes.

4798. What salary does he receive?
£. 15 a year.

4799. Do you mean to say that he is in constant attendance on the gaol?
He calls twice a week, and whenever a prisoner comes in, I communicate with him, and he comes down and sees the man, to see whether he is fit for wheel labour or not.

4800. Is there a chaplain attached to the gaol?
He is not appointed, but he comes in every Friday to see the prisoners.

4801. Who is he?
The Rector of St. James'.

4802. That is the principal parish I presume?
Yes, that is the principal parish in Poole.

4803. I see that in one of the previous reports it is stated, that the prison-books when looked at by the inspector, were unintelligible to him, have you got a copy of those accounts with you?
No; these forms which I hold in my hand are different from those the inspector has seen. I do not know whether it is two or three years since I have seen the inspector. I could not be quite positive which, without referring to the book.

4804. Have you a sheet showing the system on which the accounts are kept?
No; the only account that is kept is of the number of days that a prisoner is in, and the amount at 5*s.* 6*d.* per week; that is the only account that is required to be kept; a man is in, say, for six weeks at 5*s.* 6*d.* a week.

4805. Earl *Cathcart.*] The innkeeper's bill is the only account?
That is the only account.

4806. *Chairman.*] When is your account made up?
Every six months; the last account for the six months was 27*l.* –*s.* 3*d.*

4807. In winter, I presume it is necessary to have fuel for the fire?
Yes, that is shown in the returns that are sent to the Home Office.

4808. To what account is that carried; how is it charged?
To the visiting justices; their clerk checks all those accounts.

4809. How can the magistrate's clerk be aware of the number of tons of coal which are brought into the prison, and the quantity which is used?
The bills all come in to me; I look them over, and then I pass them on to him, and then he checks them, and forwards them to the town clerk, to be submitted to the finance committee.

4810. Marquess of *Salisbury.*] Who gives the order?
I give the order for the coals.

4811. *Chairman.*] How is the washing of the prisoners' clothes, and the prison linen carried on?
If there are no females in, I employ some one to wash.

4812. How is the cleaning of the prison itself effected?
The men keep the prison clean, if there are any; it would be quite enough for a man to do to keep it clean.

4813. Earl *Cathcart.*] Have you any prison clothing?
Yes.

4814. Does it ever happen that the prisoners are left locked up altogether by themselves without anybody being in charge of them at all?
No; we cannot leave, because the key is inside.

 4815. I understand

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4815. I understand that you leave a woman there in case you go out?
My sister is left in the prison, and then the prisoners are locked up.

4816. Is there a county police lock-up in the town?
There is a borough lock-up.

4817. Marquess of *Salisbury.*] Which is the largest, the gaol or the borough police lock-up?
The goal.

4818. Lord *Wodehouse.*] Do the borough magistrates ever visit the gaol in the ordinary way?
Once a month; I may observe that the yards in which the prisoners walk are 36 feet long by 54 feet wide, and the day room that they associate in is 15 feet by 12.

4819. Earl of *Romney.*] How far is it from Poole to Dorchester?
Twenty-six miles; and the cost for the conveyance of two prisoners down there keeps one man in Poole gaol for a month; it costs the borough in six years for the conveyance of 72 men, and their keep down there, 450 *l.*; whereas for the same term it would have cost them in the borough gaol 172 *l.* for 182 men.

4820. Has the inspector ever complained of the want of efficiency, or want of control in your gaol?
He has never complained when he has been round with me; at one time when he has been round, I happened to have one female in, and I think the next time he came round there was one male in; I think he has been twice during the four years.

4821. Has he ever made any suggestions to you for the improvement of the prison?
Never; he stated once that the inside of the prison looked a great deal better than the outside; which has since been attended to; for there was a great deal of glass on the top of the wall, with a great deal of vegetation on the top, which wanted cleaning off, and that has been cleaned off, and the wall has been reglassed.

4822. Are you aware whether the subject of the condition of the gaol has ever been considered by the visiting justices?
No.

4823. Earl of *Dudley.*] Do they seem quite satisfied with the existing state of things?
Yes; so far as their report in the visiting justices' book goes.

4824. *Chairman.*] Do they state that it is a satisfactory condition of things?
Yes, and so does the recorder; every three months the recorder visits us, and he goes through the gaol. The magistrates visit us once a month.

4825. Lord *Wensleydale.*] What is your salary?
£. 60 for me and my wife, with a house to live in, and coals.

4826. Have you any rations?
No.

4827. Earl of *Romney.*] Are the prisoners pretty well contented when they are in your prison?
I have heard females say that they would much rather be in Dorchester Gaol than in Poole Gaol, because there are very few females; sometimes I have not had above four in during the year, and when they are in the female ward they are by themselves, whereas they have some opportunity of talking when they are at Dorchester, and of being together more than they have at Poole when they are only there singly.

4828. *Chairman.*] When you take the prisoners from their separate cells, supposing they are in separate cells, to the treadwheel, do you take take them all together, or do you take any precautions for preventing their loitering about?
In the summer time when they come off the wheel, they sit down on the steps and pick oakum till the time they go on the wheel again, and when they come off the wheel they pick oakum again.

4829. Are

4829. Are they locked in their cells at night?
Yes, there is a door leading into a passage, and a large iron gate, which is locked, and the doors of their cells are locked and bolted also.

4830. Earl of *Dudley.*] But they are together, are they not?
No, they are separate; each man is separate, unless there are more than the cells will contain.

4831. I understood you to state that it has happened that you have been obliged to put them together?
Twice; there were two boys whom I was compelled to put to sleep together; they were two little boys, one 10 years old, and the other 12, and I let them sleep together.

4832. Lord *Wodehouse.*] Is there a railway between Poole and Dorchester?
Yes.

4833. Earl of *Dudley.*] What is the cost of the conveyance of a prisoner to Dorchester?
12 *s.* for each prisoner.

4834. The Committee understood you to state just now that the cost of conveying a prisoner from Poole to Dorchester is so great, that the conveyance of two would amount to the keep of one man in Poole Gaol for a month; what did you include in that?
Only the conveyance of the prisoner and his guard.

4835. *Chairman.*] Supposing that a prisoner refuses to work upon the tread-wheel, what would you do?
I should lock him up, and I should punish him with a day's bread and water; if I found that that would not do, then I should call in the magistrates for them to deal with him; but I have generally found that answer. I have given a man two or three days bread and water for refractory conduct.

4836. Earl of *Romney.*] In cases where that has not answered, what has been done?
I have never had a case in which it has not answered; I have generally found the bread and water sufficient.

4837. Earl of *Dudley.*] You find the stoppage of food to be a powerful argument?
Yes.

4838. Do you feel altogether safe yourself, being alone, when you have three or four men in gaol?
I have never felt timid, because the police-station is about 100 yards from me, and I have every opportunity of communicating with them.

4839. *Chairman.*] Have you an alarm-bell?
Yes, there are two, one in each yard.

4840. Do you think that you would be safe yourself, and that you could answer for the custody of the prisoners, if those alarm-bells were taken away?
I think so, because there is nothing by which they can escape. The wall is between 18 and 20 feet high, and there is sharp glass all round the top, and they have no bed-clothes that they can get at, or anything that they might throw up to the wall. It could only be effected by a companion outside throwing something over to them for the purpose.

4841. If that was done they might easily escape?
I do not know that they could easily escape; of course it might be possible.

4842. Did you not state that occasionally you were obliged to leave the prison, and that you have locked the doors and left the prisoners in the yard.
Yes.

4843. Supposing that at that time any of their comrades outside threw a rope over the wall, would they not easily get out?

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Facing the wall there are no less than seven or eight houses, which lead right down to the prison, so that they would be very bold to come there and throw a rope over in the day-time.

The Witness is directed to withdraw.

MR. JOSEPH CONSTANCE is called in, and Examined, as follows:

Mr. J. Constance.

4844. *Chairman.*] YOU are the Governor of the New Radnor Gaol, are you not?
Yes.

4845. That is a borough gaol?
Yes.

4846. How long have you held the office of governor?
Nine months.

4847. Had you had any experience of prisons previously to that?
No; all the prisoners that are committed for the borough are, by an arrangement with the county, transferred to the county gaol at Presteign; they are not kept in the gaol at New Radnor.

4848. For how long are they confined in New Radnor Gaol?
Not at all; they are transferred to Presteign as soon as they are committed, and the borough pays the county for the support of them.

4849. Then, in fact, you have no establishment in the gaol?
No.

4850. *Lord Steward.*] What are your duties?
I am serjeant-at-mace and serjeant of police as well; it is merely to keep the right in the borough that I am appointed at all.

4851. Lord *Wodehouse.*] It is, in fact, a mere lock-up?
Yes; it is used as the county lock-up; but they can keep prisoners there if they think proper.

4852. *Chairman.*] Do you ever lock them up more than one night?
No.

4853. How long is it since this arrangement has been in force?
Two years.

4854. Lord *Wodehouse.*] The borough contracts with the county for the maintenance of the prisoners?
Yes.

4855. Has that arrangement been found quite satisfactory?
Yes.

4856. *Lord Steward.*] Do you know whether the cost to the borough is greater or smaller than it used to be when they kept the prisoners in their own gaol?
Smaller, I believe.

The Witness is directed to withdraw.

Ordered, That the Committee be adjourned to Thursday next, One o'clock.

Die Jovis, 7° *Maii* 1863.

LORDS PRESENT:

Lord Steward.	Earl of Dudley.
Earl of Carnarvon.	Lord Wodehouse.
Earl of Romney.	Lord Wensleydale.
Earl Cathcart.	Lord Lyveden.
Earl of Ducie.	

THE EARL OF CARNARVON, in the Chair.

Evidence on Prison Discipline.

T. H. Colvill, Esq.

7th May 1863.

THOMAS HARPUR COLVILL, Esq., is called in, and examined as follows:

4857. *Chairman.*] YOU are the Governor of Coldbath Fields' Prison, are you not?
Yes.

4858. How long is it since you have held that appointment?
About eight years and a half.

4859. Did you hold any appointment of the same sort previously to your present office?
I was an officer in the army previously.

4860. What is the average number of prisoners in Coldbath Fields?
The daily average last year was 1,594.

4861. How many cells have you which are certified?
None.

4682. Have you any cells for separate confinement?
We have cells used as sleeping-rooms; the prisoners are shut up in those cells at six in the evening, and remain there till half-past six the next morning.

4863. Are those cells lighted?
Not at night; they have merely the daylight.

4864. What is the size of those cells?
They are of different sizes; none of them are fit to be certified.

4865. By how much do they fall short of the regulation standard?
Some of them are about seven feet six inches by five, and about nine feet high. They contain from 337 to 503 cubic feet.

4866. What is the system of ventilation in them?
An open window, and generally an air hole in the wall.

4867. Is there no flue?
There is no flue in most of them.

4868. Is the window capable of being shut at the discretion of the prisoner?
Yes.

4869. In the morning those cells must be very close, I presume?
That of course would depend upon whether the prisoner opened the window at night or not; but I think if a good sized cell is merely used as a sleeping

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cell, with the ventilation under the door, it does not become very close; there are some flues, but they are not of much effect. The prisoners will generally in warm weather open the window, and there will be some little current of air even when it is closed. There are also air holes communicating with the passages.

4870. Are there water-closets within those cells?
No; each prisoner is provided with a cell utensil for the night.

4871. How many of those cells are there?
The present number is 959; but we are constantly building and making new cells.

4872. When you make a new cell, do you have them of the same size as the prescribed standard?
No, we add as we can add. The prison was originally built for about 300 prisoners, and it has lately held as many as 1,750, and it is only by continually adding a piece here and a piece there, and building a room, and adding a dormitory, and so on, that that number has been accommodated.

4873. Therefore, you add rather with the view of separating the prisoners at night than with a view to establishing the separate system as a whole?
Yes, we have not attempted to establish the separate system as a whole; but at present new cells are building with a view to the separate system; two new wings, with about 320 cells, are now in progress.

4874. Are they of the same size as those in Pentonville?
No, a smaller size, much smaller than those in Pentonville; but they are of the size that the inspector and the Home Office have approved for separate confinement, being well ventilated and lighted, and provided with all the necessary conveniences. They are 11 feet by 6½ feet, and 8½ feet high.

4875. What do you reckon the cost of construction per cell of that size?
The total expense voted was 30,000 *l.* for 326 cells; that includes the excavation and other particulars.

4876. There must consequently be some 700 or 800 prisoners who sleep in dormitories?
Yes, the number which the prison is capable of containing in separate sleeping cells is 959. The number of prisoners which the prison is capable of containing, where more than one prisoner sleeps in one cell, is 558. A greater number still is accommodated by laying them down on the floor in spare rooms.

4877. In the dormitories proper, how are the prisoners accommodated?
In hammocks, about 100 in a room, each man having a hammock.

4878. What is the interval from hammock to hammock?
They almost touch; the beds touch, you may say.

4879. Are the men classified in any way in those dormitories?
There are certain classes of prisoners that we prefer to put in the dormitories, and others that we prefer to keep in cells. For instance, men sentenced to penal servitude, and who might be more likely to attempt to escape or mutiny at night, are always put in separate cells, and prisoners who are subject to fits, and who might require attention in the night, are always put in the dormitories; we have certain rules of that kind.

4880. Do you separate them according to the classification of misdemeanants, vagrants and felons?
Yes, as far as possible.

4881. Would you ever place untried prisoners in the dormitories?
We have no untried prisoners; they are all convicted prisoners.

4882. Do you separate the more juvenile offenders from the older ones?
Yes, the juveniles are completely separate; they all sleep in cells, unless they are subject to fits.

4883. Is there any night light in the room?
Yes, and we lock two sub-warders up in the large dormitories all night.

4884. Is there any sleeping apartment in which there is not a warder?
No, excepting the separate cells, where we have only one prisoner; we always have an officer in the dormitories, or where two or more prisoners are together.

4885. Do you believe that that close approximation of hammock to hammock is a satisfactory arrangement?
It is a very unsatisfactory arrangement, I think.

4886. Have you had evidence of that since you have been Governor of the gaol?
Yes, continually.

4887. In what shape has that come before you?
In the general management of the prison; in fact, from the nature of the case, it stands to reason that it must be unsatisfactory.

4888. Have prisoners ever complained to you about it?
I can hardly say that they have complained to me about it; but they have frequently asked to be removed from a dormitory to a separate cell; they often make requests of that kind; some again make a request to be removed from a separate cell, and to be put in a dormitory.

4889. Do you not believe that the probability is that comunication of a very unsatisfactory nature may pass between the prisoners?
There must be some communication, but it is wonderfully little, owing to their being so well watched by the officers, who are constantly with them; but of course there is some communication.

4890. Is the rule of silence enforced?
Yes, day and night.

4891. Is it strictly observed?
Yes; generally.

4892. Have you ever had reason to suppose that robberies or misdemeanors of any sort have been concocted while in prison from this system of association?
No, I have not known any such case.

4893. Would you be surprised to hear that it was so?
It is possible that such a thing might be done; but I think that their communications do not generally, in such cases, exceed "How long have you got," "When are you going out," and trifling communications of that kind, which are not of any great consequence.

4894. In the other rooms where the prisoners sleep, what are the arrangements there?
In some of the rooms they merely lie on the floor on mattresses; the whole of the floor is coated over in one room with mattresses, on which the prisoners lie as close as they can be packed, about 140 in one room lying on the floor, and they have been so now for a considerable time.

4895. Is not that a very bad arrangement?
It is a very bad arrangement indeed.

4896. *Lord Steward.*] That will cease to be the case, will it not, when the new cells are made?
Yes, in a great measure. Of course, the governor is obliged to take all prisoners who are sent to him, and if there is no proper place to put them, he can only do the best he can.

4897. Earl *Cathcart.*] Are there any gangways left between the beds when they are littered on the floor?
Yes, there is some little passage kept, so as to allow men to get to the closet, and pass in and out.

4898. Do you put prisoners in association who are in prison for most degrading animal crimes?
We do not make much difference. We treat them all pretty much upon one system. If any special instance came under my notice, I might consider that a reason for putting a man in a separate cell rather than in a dormitory.

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4899. Is not that close watching of two warders in a room very expensive?
It is very expensive. At present there are 15 officers in dormitories whose wages amount to 858 *l.* per annum at the lowest rate.

4900. *Chairman.*] Do you believe that it is completely effectual?
It cannot be completely effectual.

4901. How many prisoners do those two warders superintend?
Generally about 100.

4902. What is the length of the room?
Eighty-three feet by 25, and 14 feet high.

4903. I presume the warders themselves are asleep a part of the time?
No, if they are seen asleep they are heavily fined. The sub-warders are watched by other officers, and an officer who is seen to shut his eyes for a moment would be fined.

4904. How do you institute a watch over those warders?
A superior officer goes round the prison, and looks into the rooms, to see whether they are doing their duty.

4905. Would it not be difficult to detect it if a warder was asleep?
No, there is no difficulty in it.

4906. Would not the opening of the door, or the approach of a light wake him?
The officer does not open the door, but he looks through a spy-hole.

4907. *Lord Steward.*] Do you not use tell-tales?
We have no means of watching the officer who goes round the prison at night, but when the officer has no one to overlook him, we use a tell-tale clock, which he has to mark every half hour during the night.

4908. *Chairman.*] How frequently do the superior officers make their rounds to ascertain that the warders are not asleep?
They are going about all night.

4909. Do they look in as often as three times during the night?
Yes, they look into every sleeping-room at least once every hour.

4910. What check have you upon the superior officers doing their duty?
No very great check, except that from a prisoner, or from the other officers, I might hear of gross neglect which the superior officer ought to have seen if he had been attending to his duty; and I go round myself at night occasionally.

4911. How many superior officers of this class have you in the prison?
In each building there is one superior warder, or night-watchman, up all night, whose duty it is to keep constantly patrolling about the prison, watching the several officers, to report on any matter, and to call for assistance if anything should happen to be wrong. This officer is one of the ordinary warders; they take this duty in turn; we have two classes, warders and sub-warders; the sub-warders only do the duty in the rooms, and the warders take the outside duty of superintending them.

4912. What is the pay of those warders?
The warders have pay at various rates; the highest class have 38*s.* a week, after 15 years' service, and the lowest 22 *s.*

4913. Do you require the warders who are employed in patrolling at night, to perform any duty during the day?
No.

4914. Do you change them for this service?
Yes; the warder who goes about the building takes the duty for four weeks, and then he comes in to do day-duty in the ordinary way, and they take it in turn; the sub-warders in the rooms change every week; they are one week on night-duty, and then they come in to do day-duty.

4915. Earl *Cathcart.*] Did you ever know a warder to be bribed, either by a prisoner, or by the friends of a prisoner?
Yes, there have been such cases.

4916. Have

4916. Have there been many such cases?
I cannot say many; it is very difficult to detect it.

4917. Do you believe that the system prevails at all?
It does to some extent.

4918. Lord *Lyveden.*] You do not, in Coldbath Fields, make any effort to prevent the recognition of prisoners by each other?
No, none.

4919. You make no attempt at it by masks, or any other device, to prevent recognition?
No: it would be almost impossible to carry that out.

4920. Have you not sufficient means at your disposal in the establishment, or do you think it generally unadvisable?
I think, as a general rule, it is found almost impracticable to carry it out in any prison.

4921. Have you any experience of other prisons besides Coldbath Fields?
Merely what I have heard and read.

4922. Have you come to the conviction that it is impossible to prevent the prisoners recognizing each other when they leave the prison?
Almost impossible.

4923. *Chairman.*] Have you had many cases of typhus or low fever in your prison?
We had upwards of 30 cases of typhus or low fever from November 1861 to September 1862.

4924. Did the medical officers attribute that to the system of association?
No, I think not. The cases occurred chiefly among prisoners who had been recently admitted.

4925. Would there not be a risk that if typhus or low fever took hold of a prisoner it would speedily be communicated from one prisoner to another?
It would appear to be probable, but we have not had any instances of the kind, we have been generally free from it. The prison has been remarkably healthy considering its very crowded state. The number of deaths last year was only 13, with a daily average of 1,594.

4926. Is the prison well drained?
I think it is.

4927. Earl of *Ducie.*] I suppose nobody defends the system that is now in operation at Coldbath Fields?
Not altogether.

4928. Are you yourself satisfied with the state of things there?
No, I am not satisfied.

4929. But are there such improvements in operation as will make it satisfactory eventually?
No, I do not think the prison could be made wholly satisfactory without being entirely rebuilt.

4930. Earl *Cathcart.*] Will you point out a few of the evils of association which you have observed of the most glaring kind?
There must be more or less communication in a crowded prison of that kind, where the prisoners are constantly together, and much lying when they are accused of talking; but I think some association better than entire separation in many cases.

4931. Does anything take place like assaults, or one prisoner bullying another prisoner, or cutting down hammocks at night, or anything of that kind?
No, nothing of that kind. The order and discipline that is maintained is wonderful.

4932. But the discipline is maintained at great expense, is it not?
The great expense is the system of dormitories, and the necessity of having officers watching the prisoner to carry out the silent system; if every prisoner had

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had a sleeping cell, which would be to carry out the real system of the prison, then that expense would be very much saved.

4933. *Chairman.*] What scale of diet do you adopt and approve of?
I have one of my dietary tables with me.

4934. Is that framed upon the Government scale?
No, it is not.

4935. *Lord Steward.*] Is it higher or lower than the Government scale?
It differs from the Government scale; we give prisoners sentenced to terms exceeding two months, six ounces of cooked meat four days in the week, whereas the Government tables only give four ounces; I consider the six ounces too much, and the magistrates are now considering the subject of reducing that allowance.

4936. *Chairman.*] As I understand, you are two ounces ahead of the Government?
Yes, in the matter of meat. Then the Government tables give a pound of potatoes every day, whereas we give considerably less; we give two pounds a week, whereas the Government would give seven pounds of potatoes. We give 24 ounces of meat per week, whereas the Government give only 16 ounces, and our prisoners get each a pint and a half of soup on the three other days when they do not get meat.

4937. Will you hand in the scale of diet?
Yes (*delivering in the same*).

4938. Has any revision of this table taken place lately?
Yes; it is now under the consideration of the court.

4939. *Lord Steward.*] Is the whole scale under consideration?
Yes, the whole scale.

4940. Earl *Cathcart.*] Was it in consequence of the outbreak of typhus fever that the diet was increased?
No; there was no increase made on that account; there was a change made.

4941. That probably would be in consequence of the fever which broke out just before, was that so?
No; there was a rule made some years ago to give no prisoner the first-class diet till he had been two months in the prison, and afterwards they returned to the original rule, that all prisoners sentenced to more than two months imprisonment should have the first-class diet from the day of their admission. But the old system was resumed in August 1861, and the first case of typhus was in November 1861.

4942. Earl of *Dudley.*] Why was it changed back again?
The sugeon and others thought that it was a bad system.

4943. Was it absolutely found to be a bad system?
It was not proved so to my satisfaction.

4944. Would it be advisable to put all prisoners upon the lowest diet first, and increase it by degrees?
Our surgeon and the Inspector of Prisons, were of opinion that if the prisoners did not get good diet from their first admision, they would break down after some time, and that there would be more expense and more difficulty in the end in bringing them up to health again with increased diet, than if they had had full diet from the first.

4945. Earl *Cathcart.*] Did I rightly understand you to state that it was in consequence of the outbreak of typhus fever that the diet was increased?
No, I do not think so.

4946. *Chairman.*] Is there any suggestion that you would wish to make to the Committee?
One remark that I would like to make is, that I think one of the great evils is the uncertainty of sentences; great evil is produced by a prisoner being allowed to plead guilty, and being treated as a summary conviction

by

by the magistrates instead of being sent to trial, whereby old offenders constantly come into prison for very short sentences, who, if they had been committed for trial, would have got very long ones.

4947. Earl of *Dudley.*] Is that from the fact of their non-recognition?
Yes; it appears to me very desirable that a prisoner charged with any serious offence should be sent to prison, in order that, as far as possible, he may be recognised before he is sentenced.

4948. *Chairman.*] Have you ever made any use of photography?
No, our numbers are too great; the number admitted last year was upwards of 9,000.

4949. Would not it be possible to photograph those individuals who come in under suspicious circumstances?
It might be used in selected cases.

4950. Do not you think that that would be a great advantage?
That would depend very much upon how it was used.

4951. Would you see any objection to affixing a mark (such as is done in the Army) upon a prisoner after a second or third conviction for felony?
I think it would be highly desirable.

4952. Do you consider that it would be anything which would seriously impair the prisoner's chance of obtaining honest employment afterwards, supposing he was prepared to turn over a new leaf?
No; not if it is put in a place where it need not be discovered unless looked for.

4953. Lord *Lyveden.*] You would recommend that an offender should be sent to the prison to be recognised before sentence is passed?
When a prisoner is charged with a serious offence, the magistrate should remand him to the House of Detention, or give directions for his being taken to the prison, and there being seen by the prison officers before he is again brought up for sentence.

4954. That would be confined, of course, to London prisons; it would not go beyond that?
Yes; I could give the Committee some instances which would bear out my remarks. One prisoner, A. B., who had been five times before in Coldbath Fields, was committed on a summary conviction for stealing 18 lbs. of cheese; he pleaded guilty, and was sentenced to six weeks. That was the sixth time that he had been convicted. On the same day, C. D. was tried at the Sessions for stealing 3 *s.* and a handkerchief; that was his fifth conviction, and he was sentenced to 10 years' penal servitude. E. F., who had been six times before in prison, was convicted for stealing a bridle, and sentenced to six months, after having pleaded guilty.

4955. In the majority of cases, are not the previous sentences of prisoners unknown to the magistrates?
I suppose so.

4956. What would have been the sentence had the previous convictions been known?
Most likely they would have been committed for trial, and sentenced to penal servitude.

4957. Earl of *Dudley.*] Do not you think that a mark affixed to a prisoner would do away with the dissatisfaction which arises from the fact that the officers are not always willing to come forward to speak to their knowledge of a prisoner from the insufficient remuneration which is allowed?
I think that it would be most useful. I think also that some check should be placed upon the change of names; an old prisoner, upon a new conviction, always changes his name, and so makes it more difficult to trace his history.

4958. Would not that also be done away with by the prisoner having a mark affixed to him?
You could hardly sentence a man merely because he had a mark, to any great extent.

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4959. Earl of *Romney.*] Have you many cases of insubordination in prison?
Wonderfully few, considering the crowded state of the prison.

4960. What are the offences generally for which prison punishments are flicted?
Neglect of work and talking; for assaults upon officers, prisoners are generally flogged with the cat-o'nine-tails.

4961. What is the most effective punishment?
I think flogging is the most effective.

4962. Earl of *Dudley.*] You would be very unwilling, would you not, to give up the power of flogging?
Yes; I think it would be almost impossible to maintain discipline, in such a large prison as mine, without it.

4963. *Chairman.*] Is there any other suggestion which you would wish to make to the Committee?
I may mention that there is one prisoner in our prison who has been 76 times in prison, and another man who is supposed to have been 120 times in prison. In the case of the man who has been in 76 times, his last sentence but one was three days.

4964. What was it in the case of the man who had been 120 times in prison?
He has not been in very lately, but it is generally for drunken assaults that he has committed. Those cases of repeated conviction are either for begging or drunkenness.

4965. Earl of *Dudley.*] What is the Committee to infer from that? Would you recommend cumulative punishment?
I think there ought to be some notice taken of such repeated convictions; short sentences are neither deterrent nor reformatory in such cases.

4966. Earl of *Romney.*] For begging, there is cumulative punishment, is there not?
Yes; beggars may be committed as incorrigible rogues and vagabonds.

4967. Earl *Cathcart.*] Is not the real want to be able to trace the criminal history of the prisoner?
Yes, I think that is very much wanted; and there should be more care and pains taken to trace their history.

4968. Can you suggest any particular system, by which a communication might be established between different prisons with regard to the character of the prisoners?
One plan would be to appoint proper persons to do that; at present it is no person's particular duty, and in a large prison like mine we are all too busy to do it; there ought to be officers for that special purpose.

4969. Would you have some central office in London, to circulate the different communications amongst the different prisons?
Yes, I think so. I certainly think that prisons are made too comfortable, and I strongly recommend that they should be made less so.

4970. *Lord Steward.*] Do you see any objection, in cases of short sentences, to make the prisoners sleep upon guard beds?
No; I think it would be well to do so, or on the floor.

4971. *Chairman.*] Have you had experience of any prisons besides Coldbath Fields?
No actual experience.

4972. Have you, from your official position in Coldbath Fields, become acquainted with the details of other prisons?
I hear of other prisons, and I visit other prisons occasionally; but I can only speak distinctly as to my own prison. I would mention that the bedding which is allowed in Coldbath Fields at this moment (the 7th May), consists of a mattrass, a pair of thick sheets, three blankets, and a rug; and some have a hammock and a mattrass also. The prisoners are locked up at night at six o'clock;

o'clock; and if they please they can sleep, in this very warm bed, until half-past six the next morning.

4973. Do you consider that in all respects that is injurious?
I consider that it is highly injurious in every way.

4974. Earl of *Dudley.*] I presume, by that answer, that you have not gas in your prison?
No; the cells are not lighted with gas.

4975. After dark you have no power of employing the prisoners?
No; they are locked up, principally in order to let the officers get away who have had 12 hours' duty, which I think is quite enough.

4976. *Chairman.*] Are there any other comforts which you consider undue in the case of the prisoners in Coldbath Fields?
I reported to the magistrates some time ago, that I thought the diet was excessive for the majority of the prisoners; but it acts very differently; one man gains and another man loses upon the same diet; it depends upon what he has been acustomed to, and the nature of the man. And in the same way in regard to the labour: we have the treadwheel in Coldbath Fields; and one man can work on it without any very great labour, while another man suffers greatly.

4977. *Lord Steward.*] Do you approve of the treadwheel as a means of punishment?
I think the more profitable the labour for the prisoner is the better; and I do not think that you deter any man much from going to prison by such punishments; he does not consider what will be the labour in the prison when he commits a crime.

4978. What do you consider to be the effect of unproductive labour on a prisoner.
I think it has a bad effect upon his mind. Our treadwheel is not exactly unproductive; we grind corn for ourselves, and make our bread also, and supply three other prisons.

4979. Earl of *Dudley.*] You do not call any other labour than the treadwheel labour, do you?
That is the only very hard labour that we have; but various trades are considered hard labour.

4980. Is it your opinion that the treadwheel had better be kept for a certain class of cases than be done away with entirely; would you retain the treadwheel?
There is great difficulty in finding sufficient labour in a large prison like mine. There are many prisoners who know no trade, and have no power of doing any useful labour; and the treadwheel employs them, probably, as well as any way that could be devised.

4981. With regard to short sentences, in fact, it is useless trying to teach them a trade, and the treadwheel is the only thing that you can have recourse to?
Yes.

4982. *Lord Steward.*] You have suggested that the prisoners might sleep 12½ hours if they thought fit; is it not in your power to prevent them from unslinging their hammocks until eight or nine o'clock?
The bedding might be kept away to a certain hour, but that would require to keep the officers employed to a later hour.

4983. Earl of *Dudley.*] Are there not a certain number of officers who reside upon the premises?
Only three.

4984. Earl *Cathcart.*] Have you any women in your prison?
No, we have no women.

4985. *Lord Steward.*] Would it not be very inconvenient, if there was anything like the breaking out of disorderly conduct in the prison at night, to have only three officers resident in the prison?

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We have always a certain number in the prison. Ten officers sleep in the rooms, besides those in the dormitories and on watch. There would be at least 30 in the prison.

4986. Earl *Cathcart.*] In the associated wards, I presume that decency cannot be regarded at all at night?

I see no indecency. There is a retiring place for the prisoners in the corner of the room, with a screen. Perhaps the Committee would allow me to call their attention to a calculation which I made some time ago respecting the diet of Coldbath Fields Prison, comparing it with that of two of the neighbouring workhouses. The value of the diet given to the first class in Coldbath Fields is 2*s.* 11*d.* a week, and in the Clerkenwell Workhouse the diet of the paupers costs 2*s.* 8¾*d.*, and in the Holborn Workhouse 2*s.* 7½*d.*, showing that the prisoner is better off than the pauper in a workhouse.

4987. Earl of *Romney.*] Do you think there is anything in the circumstance of his being in a prison that makes it necessary to feed him better?

I think there may be; but I think there are a great number who would prefer going to a prison to going to the workhouse. They think that they have more comforts in the prison.

4988. Do you think that you can carry out the criminal law in punishing offenders in such a way as to make it more deterrent to the prisoner than it is now?

It is very difficult to do so; but I think that if there were less diet, less warmth, less bedding, and things of that kind, the comforts might be reduced a great deal.

4989. If shorter and sharper punishments were given, such as whipping for instance, do you think that they would have a good effect?

I do not think it would make any great difference in the way of deterring criminals; I think they take their chance of consequences, and that it is not generally anything that occurs in the prison that leads them to commit or abstain from crime.

4990. *Lord Steward.*] Are you of opinion that no system can be made deterrent?

You might make it more deterrent. I have no doubt the separate system is much more deterrent than the associated system.

4991. Earl of *Dudley.*] If a man is determined to commit a crime, he does not take into account what the punishment will be?

No; he risks that.

4992. If a notion gets abroad that a gaol is upon the separate system, is there not less inclination on the part of offenders to be committed to it?

In some degree that is the case.

4993. Do not you think that the criminal population of London discuss all the prisons, and know perfectly well what the treatment will be if they are committed to them?

Yes; and no doubt they prefer one more than another.

4994. Earl of *Romney.*] If the discipline is not deterrent, do you imagine that you can make it reformatory?

You can take some steps towards those results; you can make it more deterrent, and you can make it more reformatory; but I do not think you can adopt any system which can make the majority of rogues honest men. I think that the general feeling of a man when he gets into prison for the first time is, that a prison is a much better place than he expected.

4995. Earl of *Dudley.*] You would endeavour to do away with that feeling, would you not?

Yes, as much as possible; but we cannot do away with it altogether.

4996. Earl *Cathcart.*] When the prison officers are bribed, what is the usual motive?

Generally, it is to get tobacco carried in, and messages carried out.

4997. Not with a view to escape?
No; a man might bribe the warder to allow him to escape, but that is next to an impossibility; the officer cannot help him much.

4998. *Lord Steward.*] You stated just now that the knowledge that the labour was unproductive produced a feeling of irritation in the minds of the prisoners; do they necessarily know to what purpose their labour is applied?
Yes; I think they always know, and I think that a man will work much harder and with more goodwill when he is doing something that is useful in its results, than when he is doing something that is useless.

4999. You stated that your treadwheel is applied sometimes to grinding corn; if you had ground enough corn, would you cease to use the treadwheel?
No; sometimes we apply to it a fly-wheel, when we do not want it for corn.

5000. Do you find any difference in the conduct of the prisoners when such is the case?
I think there is more satisfaction to them when they grind corn than they feel when they grind the wind, as they call it.

5001. Earl of *Romney.*] The object of putting them on the treadwheel is to punish them, is it not?
Yes, and it has a deterrent effect, no doubt, to some extent.

5002. Earl of *Dudley.*] Would you be averse to a system by which a prisoner was at first put to unproductive labour, and that the first release from that should be putting him to industrial occupation and to productive labour, a graduated scale, in fact, in which the first state was distinctly and purely a punishment, and the next an improvement in that respect, by the employment of productive labour?
I think it would be well to adopt such a plan.

5003. So far as your own experience goes, do you believe that a man could enter upon the worse diet of the shortest sentence, and so go on increasing the diet up to the full time for which a prisoner is sentenced, which is generally 18 months. Do you think that the health of a strong man, when he came in, could stand that?
I think that in many cases it could; but it is very difficult to lay down a general rule about diet, because men are so different.

5004. Is it not absolutely necessary to have a general rule, even if there are many exceptions to it?
Yes, there must be a general rule, but I should prefer that an excess of diet should be given to those who require it, instead of having a high rate in order that some men may not suffer.

5005. When a man is sentenced to hard labour, does he come in at once and begin upon the hard labour diet?
Yes.

5006. As you have not sufficient hard labour for all in your prison, you necessarily have many who are enjoying the diet which is given upon the assumption that hard labour is enforced?
All prisoners sentenced to hard labour are put upon the treadwheel in their turn, unless they are excused for some reason.

5007. That only applies to a certain number?
To 320 daily out of 1,700. When it is in full operation, those who work the treadwheel are on every other day. We have besides a great number at trades, and cleaning the prison.

5008. Every day they are enjoying the full diet, which supposes them to be at hard labour?
Yes; they pick oakum when not on the treadwheel.

5009. Would you call industrial labour hard labour?
Yes, in some cases; for instance, smiths, masons and others may work hard, and generally do so with us.

5010. Is there any other labour which may be called hard labour except the treadwheel or the crank?
We had shot-drill at one time, but it has been discontinued.

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5011. Earl of *Romney*.] Do you consider that you would be justified in putting a man at a lower scale of diet when he was not at work?
I should prefer keeping him on a regular diet.

5012. Do you think that you have any power to reduce the diet of a man on a day when he is not on the wheel?
No.

5013. Earl *Cathcart*.] A prisoner is entitled to have his diet weighed, is he not?
Yes.

5014. Do they exercise that power?
Sometimes. I may observe also as to the effect of diet, that on a set of weighings which we took lately, in regular course, of men who had been 6 months in prison, 19 had gained in all 131 lbs., while 20 had lost in all 103 lbs., and 2 had not altered in weight, out of 41 prisoners.

5015. Earl of *Romney*.] Were those men all receiving the full diet?
Yes.

5016. Earl of *Dudley*.] You do not think it necessary that a prisoner should be turned out of gaol of the same weight as he came in?
No; I think that the proper result would be, that he should lose some amount of weight, not too much, of course.

5017. *Chairman*.] Will you put in a table showing the results of the diet with regard to weight?
I will prepare such a table for the Committee.

The Witness is directed to withdraw.

Mr. W. Griffiths.

Mr. WILLIAM GRIFFITHS is called in; and examined, as follows:

5018. *Chairman*.] YOU are Governor of Worcester City Gaol, are you not?
I am.

5019. How long have you held that office?
Since August 1819.

5020. Were you employed in any prison capacity previous to that time?
I was with my father about three years. He was Governor of Worcester Gaol prior to myself.

5021. What is the average number of prisoners who are in Worcester City Gaol every day?
I have taken the average of five years; in 1858 the average was 24 males and 10 females; in 1859, 22 males and 9 females; in 1860, 24 males and 8 females: in 1861, 22 males and 7 females, and in 1862, 31 males and 7 females.

5022. So that speaking roughly and generally the average number of prisoners per day for the last five or six years has been about 34?
Yes.

5023. What is the charge per head?
It sometimes amounts to 31 *l.* or 32 *l.*; last year it was 29 *l.* and some odd shillings per annum.

5024. Has it ever been higher than that?
It has been 36 *l.* one year.

5025. Are many of the cells in the gaol certified by the inspector?
None.

5026. Have you any separate cells?
We have 36 separate cells for males.

5027. How

5027. How many women's cells?
We have nine women's cells; but the women's cells are much larger than the men's.

5028. What is the size of those cells?
The men's sleeping cells are eight feet long, six feet three inches wide, and nine feet high.

5029. How are they ventilated; is it by means of the window?
Yes, there is a window, and in the side of the wall there is a grating through which air comes from the top.

5030. Has a prisoner the power of opening and shutting the window?
Yes, he has the power of doing so.

5031. Do you find that the cells in the morning are at all close or not?
Yes, they are so.

5032. During the day how are the prisoners kept employed?
The convicted prisoners are employed on the treadwheel or the crank, sometimes a man is employed in making and mending shoes if he is a shoemaker, or if he is a tailor we employ him to make and mend for the prisoners.

5033. Are all the convicted prisoners employed in that way?
Principally upon the treadwheel and the crank.

5034. How many hours a day does a convicted prisoner work?
In the summer time he gets up at six, and goes to work at half-past six, and works till nine; there is one hour allowed for breakfast till ten o'clock, and then they work from ten to one, and from two to six, except on Wednesdays and Fridays, when the chaplain has service.

5035. In winter when are the prisoners locked up?
Soon after four in winter.

5036. At nine o'clock you say they have breakfast?
Yes.

5037. When do they have their dinner?
From one to two o'clock

5038. Is there any food allowed after dinner?
Yes, the prisoner has his gruel and eight ounces of bread.

5039. When does he have that?
Soon after four in the dead of the winter.

5040. So that in fact he has three meals, at nine o'clock, one o'clock, and four o'clock?
Yes; at six o'clock in summer; it depends upon the time of year.

5041. After four he is locked up?
Very soon after four when it becomes dark.

5042. Are the cells lighted?
Not one of them.

5043. So that he is left by himself in the dark from four o'clock till when?
From about four in the evening till seven in the morning. This I consider is the penal part of our prison.

5044. Has he the power of going to bed if he likes?
Yes, if he likes.

5045. That would give him about 15 hours' sleep?
Yes.

5046. How many warders have you in the gaol?
I have a chief warder, a second warder, and a third warder, and a man to cook and do jobbing about the prison; four in all.

5047. What is their pay?
The chief warder gets a guinea a week, the second warder 1 *l.*, third warder 18 *s.*, and the cook 15 *s.*

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5048. *Lord Steward.*] Have they any rations or other allowance?
The three warders have one suit of clothes each per annum.

5049. They have lodging in the prison, I presume?
One or two of them sleep in the prison.

5050. *Chairman.*] Do you give the prisoners any exercise in the airing yard?
Yes.

5051. How many do you send out together at a time?
We have but few; there would be perhaps five or six in the yard exercising, and a warder stands in front and sees them exercising.

5052. Do you place any warder in the airing yard to superintend them?
There is a warder there while they are exercising, but he is not there at all times.

5053. Do you have a warder to superintend the men when they are on the treadwheel?
Yes, always.

5054. Do you do any industrial work in the prison?
Not generally.

5055. Is there any other occupation excepting the treadwheel and the crank?
Yes, there is shoemaking, tailoring, washing, cleansing the prison, making and mending; the women make everything that is wanted for the men in the way of clothing.

5056. Are the prisoners ever employed in any considerable number in one room by themselves at any work?
Certainly not; never more than two at a time.

5057. Are those two under any superintendence?
Occasionally, not regularly.

5058. I suppose there is something to prevent any communication passing between prisoner and prisoner?
With regard to the two who would be working by themselves, of course there could not be.

5059. Earl of *Dudley.*] In the yard they are together, are they not?
Yes, prisoners before trial, with occasional supervision; convicted male prisoners, when exercising, are always under the supervision of a warder.

5060. *Lord Steward.*] When the prisoners are at exercise can they have any conversation?
A warder stands in front of them.

5061. Is it forbidden; are they forbidden to have conversation?
They are not allowed it.

5062. Earl of *Dudley.*] If they have not an officer with them the chances are that they can and do do it?
Yes, there is no doubt of that.

5063. *Chairman.*] Have you sufficient sleeping room to separate all the prisoners at night?
For the men we have, but not for the women.

5064. Have you never been obliged to put more than one man into a cell?
If the cells are all full, or sometimes if I have more than 36 men (and sometimes I have 40), I put three or four down in the hospital, which is very seldom wanted for sickness.

5065. If there were a sick man in the hospital what would you do then?
We should not put them with a sick man; I hardly know where we should put them in such a case; we have a room that we might use, but we never have had occasion to do so.

5066. Have you any outside walls surrounding the prison?
There is a boundary wall all round.

5067. How high is that boundary wall?
I should think it is 16 or 18 feet.

5068. Is the prison in good repair ?
Yes.

5069. Have you ever had any attempts made at escape ?
Yes, I have lost two or three prisoners since it has been built.

5070. What do you attribute those escapes to ?
There were many things to account for then. The first that I lost was when I had two half prisons. Our old prison was part of a monastery, and before the other part was finished we were obliged to put some prisoners in, and one man got the mortar out before it was thoroughly set, and got away.

5071. Do you ever have any debtors in the prison ?
Yes.

5072. Have you a separate ward for debtors ?
Yes.

5073. Earl of *Dudley*.] Are they not mixed up with the criminals ?
Not at all.

5074. Do you keep the untried prisoners apart from the convicted ones ?
I keep the men always apart, but we cannot always keep the women apart for want of room. We have only nine sleeping cells for them. The women's sleeping cells are 11 feet long, 7 feet 6 inches wide, and 10 feet 2 inches high. They are larger than the men's.

5075. So that you are obliged sometimes to put an untried woman, who is awaiting her trial in the gaol, together with a convicted woman ?
I am obliged to do that sometimes for want of room.

5076. Do they sleep in the same room together ?
Yes, in that case they do.

5077. Do you separate the misdemeanants from the felons ?
Yes, we do.

5078. How many hours a day does the treadwheel work ?
At this time of year it works from half-past six till nine, from ten till one, and from two till six.

5079. As a general rule, have you the treadwheel always in operation during the day ?
Yes, as a general rule.

5080. Has it ever happened that from want of warders, or from any other reason, the treadwheel has not been in operation ?
Never from want of warders. It has not been in operation sometimes for want of prisoners.

5081. Has it ever happened that there have been no prisoners in the gaol ?
Not in my day.

5082. Earl of *Dudley*.] What is the number now ?
When I came away there were 36 in all.

5083. How many men ?
Twenty-six men, seven women, and three debtors.

5084. Lord *Wodehouse*.] What is the smallest number with which you can work the treadwheel ?
Four; and if there are three good-sized men, three can do it.

5085. Earl of *Dudley*.] How many can you put on ?
If very closely packed, 18. There are three compartments, holding six prisoners each, but that is close.

5086. The six can talk to each other, can they not ?
Yes, but if they do so the officer reports them and they get punished.

5087. Lord *Wodehouse*.] For how long at a time do they work upon the treadwheel without stopping ?
Ten minutes, and five minutes rest.

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5088. How many steps do they make in the ten minutes?
About 48 steps a minute.

5089. Earl of *Dudley.*] Have you the power of regulating it?
No, we have not, but we have a fly-wheel which the balls regulate.

5090. *Chairman.*] Have you a chaplain?
Yes.

5091. What is his salary?
£. 75 a year.

5092. Have you a surgeon?
Yes.

5093. How often does the chaplain attend every week?
Twice on Sundays, and a Wednesday and Friday service, and he goes round to talk to the prisoners at other times, principally on Saturdays; he comes there on purpose on Saturdays.

5094. Have you anything like a service room or a school-room?
Nothing of the sort.

5095. Do you give the prisoners any instruction?
No, we do not give them any instruction; the chaplain does sometimes.

5096. At what times does the chaplain give instruction?
Wednesdays and Fridays, after service, also on Saturdays he devotes two or three hours each morning.

5097. Is the instruction given in the separate cells?
No, in the chapel, or in the wards.

5098. Do you consider that the general system of the gaol is a satisfactory one in its arrangements?
I cannot say that it is.

5099. Do you know whether the matter has ever formed the subject of complaint or representation in any of the inspector's reports?
Yes, they have reported several times.

5100. Earl of *Dudley.*] Has anything been done in consequence?
There has been some little alteration, but nothing except with respect to the bottom cells in the wards; they were at one time of stone, and rather damp, and the inspectors recommended all the bottom cells to be boarded, which was done.

5101. *Chairman.*] Have the inspectors ever reported against the general arrangements in the prison?
I think they have.

5102. Has the matter ever formed the subject of consideration on the part of the visiting justices?
Yes; but our city has been laying out 70,000 *l.* or 80,000 *l.* in water and sewerage; probably they are very careful about spending any money.

5103. The municipal improvements appear to have rather interfered with the arrangements of the prison?
I think very likely that is so.

5104. *Lord Steward.*] Have you, yourself, ever made any suggestion for the improvement of the gaol itself, or with regard to discipline?
I have sometimes, but I am obliged to be very careful about the finance department, or else I should get into trouble with the town council.

5105. Lord *Wodehouse.*] How often do the visiting magistrates visit the gaol?
Every fortnight.

5106. Earl of *Dudley.*] How is your prison bounded; is there a wall all round it?
Yes.

5107. You

5107. You told us, did you not, that it is 18 feet high?
Yes, about that.

5108. Is there a road on each side, or on how many sides of the prison?
No; there is some building which comes right up to it; there is no road round the prison.

5109. Is it not bounded on two sides by a street?
Yes, on two sides.

5110. On the other side of the street are there houses?
Yes.

5111. Do the top windows of the houses look over into the gaol?
There are some which do.

5112. Can the prisoners see the people in the top rooms, and can the people in the top rooms see them?
Yes.

5113. Can they make signs to one another?
Yes, they have done so.

5114. And throw things over to one another?
Yes, many times that has happened.

5115. Do you find that there are constant attempts to communicate with the people outside?
There are constant attempts when they have an opportunity of doing so.

5116. Do you consider that the supervision which you have in Worcester gaol, is sufficient to enable you to carry on the discipline effectually?
Not strictly.

5117. How often does the Inspector come down?
Once a year.

5118. Lord *Wodehouse.*] Has he ever called attention to the construction of the gaol, and to the power which exists of people communicating from the outside with the prisoners?
Yes, many times.

5119. And has no attention whatever been paid by the visiting magistrates to the report of the Inspector?
The visiting magistrates have no power to lay out money, they must go to the Town Council for it.

5120. Have the visiting magistrates ever brought any of those complaints of the Inspector before the Town Council, with a view to money being laid out?
I think not.

5121. *Lord Steward.*] How many officers sleep on the premises?
The cook, and one other officer.

5122. If there should be an outbreak in the night, what means would there be of suppressing it?
There are two officers, myself and the watchman, who goes round at night.

5123. Then there would be four officers on the premises at night?
Yes.

5124. Earl of *Dudley.*] What number are actually resident in the prison during the night?
There are myself, one of the warders, the cook, and the watchman; the latter goes round every quarter of an hour: there are the head warder, the next warder, the third warder, and the cook; that is, four officers by day; at nine o'clock at night two of them go away, and there are two left in the prison besides myself, and the watchman all night, so that there are four on the premises.

5125. *Chairman.*] Is not the county gaol situated in the town of Worcester?
Yes, it is.

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5126. Do you know what is the average number of prisoners in that gaol?
I cannot speak accurately, but I think it is about 230 or 240.

5127. Is it a large gaol?
Yes.

5128. Are you aware that there is an Act of Parliament which allows you to contract for prisoners, and to send them from the borough gaol to the county gaol?
Yes.

5129. Have you ever taken advantage of that Act?
No.

5130. Do not you think that it might be advantageous perhaps sometimes to take advantage of it?
In fact we are short of money; that is the real state of the case in our town; it is the finance question that keeps us quiet.

5131. *Lord Steward.*] Do you know what is the comparative expense of keeping prisoners in the two gaols?
There is very little difference in the two gaols as to the expense.

5132. Is the dietary the same in both?
Yes; it is the Government dietary.

5133. *Chairman.*] Is the food cooked within your prison?
Yes.

5134. Do you suppose that there would be any material gain effected, either in economy or efficiency, by contracting with the county?
That depends upon what the county would do, because if our prison were to be done away with entirely, we should be at the mercy of the county to charge us what they liked for the rent of the cells.

5135. Earl of *Ducie.*] Do you know what the practice is in the City of Gloucester?
The Gloucester City prison is given up; they all go to the county; they had only one ward in the City prison.

5136. Do you know what they pay for the prisoners in the County Gaol?
No.

5137. Lord *Wodehouse.*] How are the women employed in your gaol?
They are employed in making and mending, and washing.

5138. Have you a matron?
Yes.

5139. What do you pay her?
£. 30 a year; that is the only female officer we have.

5140. Has she no help?
My wife is the matron, and my servant assists my wife, for which she is paid nothing.

5141. She has no female warder, has she?
None at all.

5142. If she has the whole of the nine cells full, is she supposed to manage the whole of those women?
Yes, with her servant.

5143. If you choose you might do without a servant; they have no right to the services of that servant?
Certainly not.

5144. But the matron is allowed no woman help?
No help at all; some of the Town Council consider the expense of the matron to be too much.

5145. *Chairman.*] Are you aware whether any motion has ever been brought before the Town Council for alterations to be made in the prison?
No, I do not believe there ever has.

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5146. *Lord Steward.*] What is your own salary?

£. 200 a year and a house, with washing, coals and light. Perhaps the Committee would allow me to say, that I am the only governor in England who was a governor in the time of George the Third. When I first remember the prison, we had two or three large rooms, and we turned all the men into these rooms without washing or anything in the world; they were allowed 1½ pounds of bread per day and water, but there was not even a piece of soap allowed at first. I remember the county gaol having only one officer besides the governor in my day, and they had but two when they went to the new gaol, except the watchman.

5147. Earl of *Dudley.*] You say that all the men were together; were the women mixed up with them?

They were quite separate, but there was only one sitting-room and one sleeping-room for the women; and if a woman was confined she was confined in the midst of all the rest, in a great lumbering room. But the women were parted from the men more than they are now; it was impossible for them to get near to the men; they had no communication with them in any way.

5148. Then it would appear that the system has fallen off a little, so far as the women are concerned, since the time of George the Third?

I do not know about that; I am speaking of the prison arrangements.

5149. Lord *Wodehouse.*] Can the women communicate with the men now?

Sometimes they will.

5150. Earl of *Dudley.*] Their wards are quite close together, are they?

Yes; I find sometimes a little scrap torn out of the Prayer Book, which is written upon for some man.

5151. That is done in the chapel?

No, I think it more likely to be done in their wards and cells.

5152. And can they communicate between the women's ward and the men's ward?

They cannot see each other.

5153. Can they throw a paper over?

Yes.

5154. *Chairman.*] Are the walls which divide the two yards open upon the top?

They are quite separate; they cannot see each other, but they can throw anything over. Our building is like a semicircle, and if you placed your ear very near to the wall, you could hear talking.

5155. *Lord Steward.*] Are there many re-committals to your gaol?

Not more than the average anywhere else.

5156. Is the average greater or less than it was some years ago?

I almost think it is less the last year or two. I make out an account of them, which I send every year to the Government.

5157. Earl of *Dudley.*] The Committee very distinctly understand from your evidence, that there has been an unfavourable report made more than once, and that report has not been taken into consideration, or been acted upon?

That is very true.

5158. *Lord Steward.*] Do you think that without a large increase of expenditure, an improvement in the discipline of the prison could be effected?

Not in the prison that we have. Our prison was built a few years before they built the Model Prison.

The Witness is directed to withdraw.

Mr. G. Julyan.

Mr. GEORGE JULYAN is called in, and examined as follows:

5158*. *Chairman.*] YOU are Governor of Falmouth Gaol, are you not?

I am.

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5159. It is a borough gaol, is it not?
Yes.

5160. Since when have you filled the apppointment of gaoler?
Upwards of 27 years.

5161. Had you any previous experience in prison matters before that appointment?
No.

5162. What is the average daily number of prisoners who are in confinement in your gaol?
There are about 70 in the year; and, speaking from recollection, I should say the average was about eight to ten, not more.

5163. Has it frequently sunk a good deal below that number?
Recently it has.

5164. Within the last few years how has it been?
The average has sunk down to about seven.

5165. Have you ever had the gaol entirely cleared?
Yes.

5166. And have you had as few as one or two prisoners at a time?
Yes. I have only two now at this present time, both men.

5167. Are both men and women prisoners confined in your gaol?
There are at times.

5168. Is there a separate part of the prison which is allotted for the women?
There is a separating wall between the two parts of the prison.

5169. Are the women under the same roof as the men?
Yes, they are under the same roof.

5170. Is the women's ward on the ground-floor or upstairs?
On the ground-floor.

5171. Consequently, there is not a double staircase?
No, not a double staircase.

5172. Have the men and the women prisoners any opportunity of communicating with each other during the day?
No, unless they were to call aloud; which would be rather dangerous, for fear they would be heard.

5173. What is the thickness of the wall?
About two feet.

5174. Do any of the windows open near upon each other?
None.

5175. In what state of repair is the gaol?
It is in pretty good repair it; was built in 1831.

5176. Has it been altered since then?
It has been improved.

5177. Are there any cells for separate confinement which have been certified by the inspector?
None.

5178. Do the prisoners sleep in separate compartments?
Sometimes, and sometimes there are three in association; we have been so crowded that they have slept four or five in the same cell, which has been considered very inconvenient.

5179. What number of separate compartments for sleeping purposes have you at your disposal?
Nine altogether.

5180. Does that include both the female and male side?
Yes; it includes both males and females.

5181. What

5181. What is the largest number of prisoners you have ever had at one time in the prison?
I think about 27; from that to 30.

5182. What is the size of those compartments?
They are not all of one size; there are five that are only about 12 feet by 8 feet, as near as I can recollect.

5183. What is the smallest of these compartments?
Those are the smallest; the largest are about 16 to 18 feet long, and 14 feet wide.

5184. On occasions when the prison has been full, you have been obliged, you say, to put into cells of those dimensions as many as three or four prisoners?
Yes.

5185. What accommodation is there within those cells for sleeping?
Hammocks, like sailors use.

5186. On those occasions that you have referred to, did you sling four hammocks in one cell?
Yes.

5187. Did you ever put two prisoners in the same bed together?
Yes, we have done it; but it is not generally done; we avoid it if possible. There have been two prisoners put into one cell at a time when the prison has been overcrowded.

5188. *Lord Steward.*] How many of those nine cells are applicable to women, and how many to men?
There are two applicable to women, the remaining seven to men.

5189. Lord *Wodehouse.*] What is the largest number of women you have ever had at one time in the prison?
I think about five, as near as I can recollect; not more than five.

5190. *Lord Steward.*] Whatever number of male prisoners you might have, you would only have seven cells or compartments available for their reception?
No more than that, certainly; when I say nine, that is the whole number of cells in the prison.

5191. From that number two must be deducted for the women?
Yes.

5192. Therefore, if you had a mutiny among the sailors in the various ships in the harbour, and a large number of male prisoners were sent in from any circumstance of that sort, you would only have seven rooms available for them?
Just so; we could not provide for them.

5193. *Chairman.*] I observe that in the Inspector's Report of 1861, it is stated that he found that the men were placed in the women's wards, and the women were placed in the men's wards; do you remember that circumstance?
I do not know what he can mean by that; it must be a mistake in Mr. Perry's report; I do not think that ever was the case.

5194. Mr. Perry in his Report of 1861 says, "There were only two men and three women in confinement at the time of my last inspection; the men being located in the women's division, and the woman in that destined for men;" do you remember that circumstance?
Perhaps it might have been so on that occasion, for on one side of the prison there could be a communication between the prisoners and the persons living in the house adjoining the gaol, and most likely I removed the women to prevent this communication.

5195. Do those windows overlook the prison windows?
Yes, they do.

5196. Are they sufficiently near to admit of communication passing?
They could pass in things to them with a rope, or throw them down; I have myself found a box of matches in the yard that had been passed over.

5197. Would not the same objection apply to putting the men in those

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wards; might not communication be made to them just as well as to the women?

I do not recollect at this moment what it could have been for, but it must have been for some purpose of that kind.

5198. When the men were placed in the women's wards, might not communication be made to them, so far as words and conveyance of articles are concerned, as to the women?

Just so, but there is a difference in the disposition of prisoners. Your Lordship is aware that some prisoners are very badly behaved, and others will behave remarkably well; we put the well-behaved prisoners in the part of the prison which is most open to communication with persons in the next house.

5199. Are the Committee to understand that, inasmuch as there are two cells set apart for women and seven for men, on one occasion the men were placed in the women's department and the women were transferred to the men's, and that the occupants of these two female wards were mixed up in the cells which are allotted to the men?

Yes; but the men were not near them at the time.

5200. But they were brought within the wall of partition, and into the same part of the gaol?

Perhaps I have not made myself sufficiently understood. There is a party-wall between them; there are four airing-yards, and the males' yards are on one side of that wall and the women's on the other. There is a dwelling-house adjoining the female part of the prison from which they can communicate with the prisoners; and in consequence of something that I discovered between the female prisoners and the persons living in the next house, I made this alteration, and removed them.

5201. On both sides of this partition-wall I presume there are passages in the department set aside for the men, and passages also set aside for the women?

Just so.

5202. And consequently you had to bring the women through the passages, where at the same time you might have been taking some of the male prisoners?

Yes, to lock them up.

5203. And, consequently, communications might very easily have passed at such a time?

We pass by the men's cells on the way to the females'.

5204. What is the labour enforced in your gaol?

We formerly compelled them to break stones for macadamizing the roads (but we found that was a dangerous work, for they attempted escape by breaking the iron bars), and, on some occasions, they pick oakum for ship purposes.

5205. Have you no treadwheel?

No, we never had.

5206. Nor a crank?

No.

5207. Was the sole occupation of the prisoners picking oakum?

Yes, that and doing the work of the gaol, the painting, and lime-washing, and so forth.

5208. Does it always happen that you have a sufficient amount of oakum to pick?

No.

5209. When there is not that amount of oakum, what are the prisoners employed upon?

They have no occupation any more than painting and doing the ordinary work of the prison.

5210. Therefore, it very frequently happens that the prisoners are in a state of complete idleness?

That has been the case.

5211. *Lord Steward.*] Though they are sentenced to hard labour?
Just so.

5212. *Chairman.*] On those occasions are they confined in those separate sleeping compartments, or in the day-room?
They are in separate apartments, and are allowed to go into the airing-yards at a certain time in the day, and then are locked up again.

5213. How many hours are they in the airing-yards?
Perhaps two or three hours per day.

5214. Earl of *Dudley.*] Are they associating all together in one yard?
No, there are four yards.

5215. Supposing there are eight or ten men in the prison, four or five would be in each yard at the same time?
Yes.

5216. And do they associate together there without the inspection of an officer?
Yes, that is so,

5217. Lord *Wodehouse.*] Is no officer present with the prisoners whilst they are in the airing-yard?
No, they are overlooked; because the windows of the officers' apartments are facing the airing-yards, so that we can command the prisoners.

5218. But there is no officer stationed to inspect the prisoners during the time that they are in the airing-yard?
No.

5219. *Lord Steward.*] Conversation, I presume, is not forbidden?
No.

5220. *Chairman.*] Does not it amount to this, that when you have not sufficient oakum on which to employ the prisoners, you turn them into the airing-yards?
They are turned into the yards as long as we can overlook them; but the walls are not sufficiently high to prevent their escape, so that I cannot suffer them to be long there without some one being present.

5221. If you should have occasion to go away, and you turned the key on them, leaving them in the yard, what security have you that they will not escape whilst you are absent?
They could not escape without my seeing them.

5222. Whenever you are absent, is there somebody on the watch?
I do not allow them to remain in the yard while I am absent; I lock them up.

5223. How many warders have you in the prison?
Only one.

5224. Does he live there day and night?
Yes, he lives there. I should tell the Committee that the magistrates, only some few years since, appointed a warder, but the town council refused to confirm the order of the justices; and as the justices have no power to raise the money, they have never paid him.

5225. How long did he fill the office of warder?
I suppose more than 12 months.

5526. And did he receive no remuneration for it?
He has got none as yet.

5227. Is he still employed as warder?
He considers that he is.

5228. Earl of *Dudley.*] Does he still do the duty in hope of being paid?
Yes; he is my own son.

5229. *Chairman.*] At this moment, under whose charge is the prison left?
Under his charge.

5230. Earl of *Dudley.*] He being an unpaid officer?
Yes.

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5231. *Chairman.*] Is it not a matter of necessity for him at times to go out of the house?
Yes, sometimes he must do so.

5232. And during that time what happens at the prison?
Sometimes there is no one present, and then he locks them inside the bars. I should state that part of my duty is to superintend the police; I am the superintendent of the police of the borough.

5233. Then do not your duties very frequently take you away from the prison?
Yes, most assuredly.

5234. Is it not a matter of common sense that the prisoners must be left under the charge of some other persons if you are called away for other duties for two or three or four hours?
Yes.

5235. Can you in any way hold yourself responsible for the safe custody of those prisoners if you have nobody as your delegate in whose charge to leave them?
Certainly not; I would not trust them a moment unless they were locked in safely.

5236. But the town council, as I understand you, have refused to pay any such officer?
Yes, there seems to be some misunderstanding between the town council and the magistrates; the magistrates want to improve the prison or build a new one; the town council will not vote the money.

5237. Lord *Wodehouse.*] There is therefore no paid warder at all?
No.

5238. And this so-called warder is merely your own son, whom you employ in your absence to take care of the prison?
Yes, just so; what will be the result we do not know yet; he was properly appointed by the magistrates.

5239. *Chairman.*] Has the matter ever been brought to the notice of the town council that he is discharging the duty without pay?
Yes, repeatedly, by the mayor, who is one of the visiting justices.

5240. What has their answer been?
They do not seem to confirm the appointment, they do not pay him.

5241. *Lord Steward.*] If it so happened that your son was engaged in any other employment, or left you for any reason, you would be left without any assistant whatever in the prison?
Just so.

5242. And probably under those circumstances you could not obtain one?
Just so, I have no power.

5243. Lord *Wodehouse.*] Who attends to the female prisoners?
My wife, who was appointed matron when I was appointed governor.

5244. Does she receive any salary?
Yes, a small remuneration of about 5 *l.*, or something of that sort.

5245. Earl of *Dudley.*] What do you receive together?
About 60 *l.*, with house-rent and coals.

5246. What should be the pay of your son as your warder?
He ought not to have less than 50 *l.*

5247. Earl *Cathcart.*] Is your son a police officer as well?
No, he is not.

5248. *Chairman.*] Do you consider that the present arrangement is in any degree satisfactory?
I think not.

5249. Do you feel that you are in any way answerable for the security of the prisoners under such an arrangement?
I think that we cannot possibly conform to the Gaol Act under the existing state of the prison.

5250. In one of the recent reports of the Inspector, it is stated that there was no watercloset in the women's division of the prison, the cells devoted to prisoners of that class being in a very offensive condition; was that the case in 1859?

Yes; I think waterclosets have been erected since that date.

5251. The Inspector goes on to say that, "As all private remonstrance upon the defects of this prison is unavailing, there is no other alternative; that the town council are deaf to every suggestion of improvement in this particular, is shown by the following among other proofs of a similar nature: on the 14th July 1856, the mayor and recorder of the borough made the following formal recommendation to the town council, 'We are decidedly of opinion that a watercloset for the women should be erected without delay;' a proposition founded upon this recommendation was negatived by the town council." Are you aware whether that is a correct statement of the fact?

I have no doubt about it; I know that it is so.

5252. Has any step been taken since then to remedy it?

Yes, two waterclosets have been erected.

5253. Have the visiting justices ever expressed any opinion that it was a satisfactory arrangement that you, as superintendent of police, should also be gaoler?

I think there was something said about that between the magistrates and the inspector, but I do not recollect what reply the magistrates made.

5254. Lord *Wodehouse.*] What time do you lock the prisoners up at night for bed?

That depends upon the time of year; in the winter season about between four and five o'clock, and they remain there till about seven in the morning; and in summer they are locked up at eight o'clock, and unlocked at six in the morning.

5255. Are any of the cells lighted at night?

None.

5256. Are any of them warmed?

None.

5257. In the case of very cold weather, do you find any inconvenience from the cells not being warmed?

They are generally then removed in association into large cells, where there is a fireplace.

5258. Is any instruction given to the prisoners?

No; the only person who visits them to give them instruction is an officer whom they call a town missionary; the rector and some members of the Society of Friends (Quakers) occasionally visit them, and afford them religious instruction.

5259. Earl of *Dudley.*] Have you no chaplain?

We have no regularly appointed chaplain.

5260. *Chairman.*] Are you aware, that under the Gaol Act of the 2d and 3d of Victoria, it is obligatory upon every gaol that a chaplain should be appointed to it?

I am aware of that, and I was present and heard the Inspector of Prisons point out the section to the magistrates.

5261. Consequently your gaol arrangements are at this moment in direct opposition to the clauses of that Act?

Yes; as I have said, it is not possible that we can conform with the Gaol Act with the present gaol.

5262. Has that fact also been brought to the knowledge of the town council?

Yes.

5263. What has been the answer which they have made?

I do not recollect; but the recommendation of the justices, or the Inspector of Prisons, has never been acted upon.

5264. Have you any surgeon attached to the gaol?

Yes; there is one appointed every year, at a salary.

 5265. What

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5265. What is his salary?
I think it is 5 *l.* a year, and he has to provide medicines out of that.

5266. How often does that include a visit from him?
Whenever there is a prisoner ill he is sent for, and he frequently calls in passing, and comes into the prison to know if there are any prisoners there, and if there are he sees them.

5267. *Lord Steward.*] Would he be required to perform any operation for that sum, or would there be an extra payment for an operation?
No extra payment; I have known one surgeon to have a birth there; a woman was confined in the prison, and he attended her, and she was under his care daily, I should think, for a month, and all he got was his 5 *l.* a year.

5268. Lord *Wodehouse.*] Is your dietary the dietary prescribed by the Government?
Yes, as nearly as possible.

5269. *Chairman.*] Do you cook the food within the prison?
Yes, it is all cooked within the prison.

5270. *Lord Steward.*] Is not that diet calculated upon the presumption that the prisoners are doing a certain amount of hard labour, whereas in your gaol there appears to be no employment of any kind?
The sentences are generally short, but in giving sentence the magistrates now, when they find that the town council will not employ a prisoner, send a great many prisoners to the county gaol; and the town council have now to pay for them a long bill of about 300 *l.*, which the magistrates have incurred in consequence of their not complying with their recommendations.

5271. Is it your opinion that the Government dietary is not too high for persons leading a life of inactivity?
No; I think for a short term of imprisonment, for 14 days for instance, the Government dietary is rather sharp.

5272. You mean whilst they are doing no hard labour?
Yes, the lowest scale is very low indeed.

5273. *Chairman.*] In one of your previous answers you stated, that for offences committed within the boundary of the borough, the magistrates are in the habit of committing prisoners not to the borough gaol, but to the county gaol. Will you be good enough to explain how that happens?
It happens in this way: The magistrates do not consider that the gaol is adequate to the wants of the borough, and instead of committing the borough prisoners to their own gaol, they commit them to the county gaol.

5274. Under what powers do they proceed?
They say that they have the power under the charter of the borough, and that nothing shall take their power from them of committing a prisoner to the county gaol at Bodmin. They have communicated upon the subject with the county magistrates, and have sent their prisoners to the county prison.

5275. Has that practice been acquiesced in by the town council?
Yes; and they have been obliged to pay part of the money.

5276. Have they disputed the right of the magistrates so to commit?
They do not interfere at all with it.

5277. Lord *Wodehouse.*] Have, in fact, the town council of Falmouth paid the expense of the prisoners who have been committed to Bodmin Gaol?
They have.

5278. *Chairman.*] Since then has the number of prisoners within the gaol fallen off considerably?
Yes, considerably.

5279. Are there fewer altogether committed within the borough?
There is very little difference in that respect; but a great many have been committed to the county gaol since this altercation between the magistrates and the town council.

5280. Earl of *Dudley.*] As I understand you, the borough justices are very much opposed to the town council with regard to the wants of the gaol?
Yes; I believe all the justices, even including the mayor, are opposed to the town council on that point.

5281. Lord *Wodehouse.*] Has it been suggested that the gaol at Falmouth should be disused, and that the prisoners should be sent to the Bodmin gaol under a contract with the county?

The council are of opinion that the whole of the prisoners should be sent to the county gaol; and instead of paying what the county charge the borough, namely, 1 *s.* 9 *d.* a day, the town council think that the borough should only pay in proportion to the other parishes, and be assessed to the gaol at the same rate. But the county say, we will not take your prisoners unless you pay us 1 *s.* 9 *d.*; we formerly paid 1 *s.*; but within the last six months they have increased the sum to 1 *s.* 9 *d.* a day.

5282. Are the Committee to understand you to state that the town council would have no objection to sending the prisoners to Bodmin gaol under a contract with the county, if they could agree as to the terms?

They have no objection if they could agree as to the terms; but the justices of the county say that they will not take their prisoners for less than 1 *s.* 9 *d.* a day.

5283. What do the prisoners cost in Falmouth gaol?

Nothing like that; 22 *l.* 1 *s.* 9 *d.* is the annual cost of a prisoner in Falmouth, and that includes my salary as superintendent of police as well; and the council has to pay the cost of conveying the prisoners from Falmouth, 35 miles, to the county gaol.

5284. *Chairman.*] Will you read from that volume of Judicial Statistics, which is before you, what the cost per head of a prisoner is in the borough gaol of Falmouth, and in the county gaol of Bodmin?

The total in the county gaol is 30 *l.* 7 *s.* 8 *d.*, and in the borough gaol it is 22 *l.* 1 *s.* 9 *d.*

5285. Is it not therefore the fact that the reluctance to contract with the county prison arises from the greater expense which the town council would incur?

Yes.

5286. And the only point in which the two parties are at issue is one of terms?

Yes.

5287. Can you state to the Committee in what particulars it is that the cost of the county gaol at Bodmin is in excess of the borough gaol of Falmouth?

The establishment charges are greater.

5288. What do you designate as the establishment charges?

The salaries of officers.

5289. Consequently the town council simply keep down the expenses of their prison by allowing you no warder?

Just so.

5290. If they gave you another warder, as you consider to be necessary for securing the prisoners, or two warders, as the case might be, that would make a material difference, would it not, in bringing the two prisons' charges to an equality?

It would.

5291. The Committee would wish to understand distinctly whether it has been the ordinary practice, under any circumstances, to place more than one prisoner in a single bed?

It has been done I think, but very rarely, except when the prison is overcrowded, then we have been obliged to do it.

5292. Has it been ever the case with the male prisoners?

It is of very rare occurrence, they have separate hammocks.

5293. Has it not been the case more than once on the female side?

Yes.

5294. Is not that frequently the case?

Yes, two females have frequently slept in one bed.

5295. Do you attempt any sort of classification as regards misdemeanants and felons, and untried and convicted prisoners?

At all times when the gaol will admit of it.

 5296. Does

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5296. Does it frequently happen that you are obliged to place untried prisoners with convicted prisoners?

I have been obliged to do so on one or two occasions, that is to say, when the prison is overcrowded.

5297. Do you place juvenile prisoners with men and women whom you have known to have been previously convicted?

Not if it can possibly be avoided, but it has been done.

5298. Lord *Wodehouse.*] In your opinion would it not create inconvenience, looking at the number of seamen who frequently are in the harbour of Falmouth, if there was no gaol at Falmouth, and all the prisoners had to be sent to Bodmin?

It would increase the expense of conveyance materially.

5299. Earl of *Dudley.*] There must be a lock-up of some sort, must there not?

Yes, there must be a lock-up; we cannot do without it. It is my opinion that the present gaol would be just sufficient for a lock-up. Perhaps the Committee will allow me to observe that the town council have found that they have come to a loss, and that the Treasury has refused to pay them the amount of Government allowance for prisoners convicted at assizes and sessions, and sentenced to be imprisoned in the county gaol. It appears that the county has not charged it to the Government, nor to the borough, and they have now found by the bill returned from the county that it has not been charged to the Treasury, and the borough has not taken any notice of it, nor charged it to any one, and therefore they are now called upon to pay for the maintenance of those prisoners in the county gaol, and the Treasury refuse to repay them the portion of it which the Government usually allows.

The Witness is directed to withdraw.

WILLIAM AUGUSTUS GUY, Esquire, M.B., is again called in, and further examined, as follows:

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5300. *Chairman.*] YOU are anxious, are you not, to make some explanation or addition to the evidence with which you supplied us the other day?

I thought it might be advantageous to submit to the Committee a scheme of dietary which I have prepared. But I would wish first of all to state the reasons I have for submitting such a scheme to the Committee. The dietary is drawn out upon the supposition, in the first place, that the dietaries of our prisons ought to promote the first object of imprisonment, the punishment of the criminal, by being unattractive without being positively repulsive. Then I would lay it down as a principle, that these dietaries should be such as to preserve the health of the prisoner and his capacity for labour, and protect him from such diseases as scurvy, dysentery and scrofula; but that it is unreasonable to expect that they should maintain him in the highest possible state of health and vigour. Thirdly, that in arranging these dietaries, it should always be borne in mind that the prisoner is being maintained at the cost of those very persons who, in their own persons or property, or in the persons or property of those more or less closely connected with them, have already sustained injuries more or less severe. For this reason, economy should be studied in the arrangement of our dietaries, and other things being equal, the cheaper food should always have the preference over the dearer. 4th. That inasmuch as the shorter sentences do not subject the prisoner to that continuous loss of liberty, monotony of life, and tedious separation from relations and friends, which constitute the essence of punishment under the longer sentences, it is expedient to make the dietary under these shorter sentences so scanty and uninviting, as to be in itself a punishment. 5th. That inasmuch as prisoners sentenced for longer periods could not be safely submitted to a diet which would prove a punishment to those whose sentences are short, inasmuch also as they are punished through prolonged detention, monotony, and separation from kindred and friends, it is less necessary that their diet should be of a penal character. 6th. But that, in order to obviate, as much as possible the very obvious objection that the short sentences as at present arranged, entail the worst, and the long sentences the best diet, it is expedient to construct a scale of successive diets, through which each prisoner should be made to pass

till

till his sentence expires. 7th. That in framing the successive dietaries, it is expedient to be guided by some existing dietary or dietaries, which have been long in use among large bodies of men; and that the dietaries in force among military prisoners may, with an addition presently to be mentioned, be safely and advantageously adopted for this purpose. Then I would further submit one or two propositions affecting the dietaries, both for short and long periods of imprisonment, which propositions may be safely stated to be the result of experience. The first is this: that there is no valid objection on the score of health to a diet of bread and water, in the case of all prisoners whose sentences do not exceed one week, nor for the period of one week at the commencement of their imprisonment, in the case of criminals whose sentences exceed one week.

5301. Earl of *Dudley.*] That carries out what you before proposed, that the dietary of every prisoner should be progressive from the lowest to the highest scale?

Yes; that is in accordance with the view I have already expressed to your Lordships.

5302. *Chairman.*] Will you proceed with your suggestions?

Secondly, That there is also no valid objection, whether in the case of short or of long sentences, to dietaries from which the element of meat is altogether excluded. The next is, That in adjusting the respective dietaries of male and female prisoners, the proportion of food should be made to approximate to the numbers six and five, which figures represent the proportionate average weights of adult males and adult females respectively; or assuming the same quantities of the liquid elements of the several dietaries to be given to men and women, the proportion of the solid elements of the dietaries to be as the numbers four and three. For example, if a man is allowed 16 ounces of bread per diem, a woman should be allowed 12 ounces. I next propose, that lads under seventeen should rank with adult women, as is the case with existing dietaries. Then I propose, that for the sake of simplicity and uniformity, it is desirable to fix the quantity of bread, in the case of male prisoners, in all the diets at 1 pound per diem, and the quantity of potatoes at either half a pound or one pound per diem, according to the length of time the prisoner has been in confinement; and that, if on full experience of the dietaries now suggested, a more liberal diet should be deemed necessary, the additions should be made in elements of the diet other than bread and potatoes. Then I venture to suggest that the medical officers of our prisons should be instructed to use the greatest caution in altering the diets in individual cases, refusing to concede any change at the mere request of the prisoners themselves, and requiring, as their justification for so doing, the presence of actual disease, or distinct marks of the presence of scurvy, or the growth of scrofulous swellings, or a considerable and progressive loss of weight; and that no change of dietaries should take place except after a written report of the medical officer, in which distinct reasons should be assigned for the change proposed; such report to be submitted to the visiting justices for their consideration and approval. These seem to me to be the principles on which it is possible to frame a dietary.

5303. Will you be good enough now to read to the Committee the dietary which has been constructed on these principles?

I would suggest that convicted prisoners imprisoned for a term not exceeding seven days, should be put upon one pound of bread per diem during that period, and an unlimited quantity of water.

5304. By the reduction of the gruel, you reduce that first class below the present scale?

Yes, below the present scale, which allows two pints of gruel per diem. Then, for periods exceeding seven days, and not exceeding 21 days, or to speak more correctly, according to the views which I have submitted to the Committee, after seven days and up to 21 days, one pound of bread as before, and half a pound of potatoes. Then in the case of prisoners whose sentences exceed 21 days, and do not exceed six weeks, or (to speak in accordance with the view of a progressive dietary which I have submitted) after 21 days, and up to six weeks, one pound of bread, half a pound of potatoes, and two pints of oatmeal gruel. Then, the fourth dietary would be for periods exceeding six weeks, and not exceeding four months, or after six weeks and up to four months, one pound of bread per diem as before, half a pound of potatoes as before, eight ounces of

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of oatmeal made into porridge with half a pint of milk, for breakfast; six ounces of Indian meal, also with half a pint of milk, for dinner, the potatoes being added to that meal as well as a part of the bread; and in that case the allowance of milk would be at the rate of one pint per diem. The next class, those exceeding four months and not exceeding one year, or to speak more correctly, after four months and up to one year, bread as before one pound, potatoes increased to one pound, oatmeal eight ounces, the same as before: Indian meal eight ounces, increased from six ounces; milk as before, one pint per day; and then lastly, for the class exceeding one year in the borough and county prisons, that is to say, after one year until the expiration of their sentence in those prisons, I should suggest one pound of bread, per diem, as in the former class, one pound of potatoes, per diem, 10 ounces of oatmeal, 10 ounces of Indian meal, and now one pint and a half of milk. I beg leave to hand in this Table:

PROPOSED DIETARIES for COUNTY and BOROUGH PRISONS.

	PROPOSED DIETARIES.			REMARKS.	EXISTING DIETARIES, as recommended by the Home Office.		
		Per Day.	Per Week.			Per Day.	Per Week.
1. Convicted prisoners; any term not exceeding 7 days	Bread	1 pound	7 pounds	One pound of bread per diem, is the common allowance for prison offences	Bread Oatmeal gruel	1 pound 2 pints	7 pounds. 2 pints.
	Weekly Total of solid food		112 ounces				112 ounces.
2. Exceeding 7 days; not exceeding 21 days; or after 7 days, and up to 21 days	Bread Potatoes	1 pound ½ pound	7 pounds 3½ pounds	The early introduction of the potato, is recommended on account of its anti-scorbutic properties	Bread Oatmeal gruel	1½ pounds 2 pints	10½ pounds. 2 pints.
	Weekly Total of solid food		168 ounces				168 ounces.
3. Exceeding 21 days; not exceeding 6 weeks; or after 21 days, and up to 6 weeks	Bread Potatoes Gruel (oatmeal)	1 pound ½ pound 2 pints	7 pounds 3½ pounds 14 pints	The addition of 2 pints of oatmeal gruel is deemed sufficient for this short term. It should be salted and sweetened as in the recommended diet	Bread Oatmeal gruel Potatoes Meat Soup	1½ pounds 2 pints - - -	8¾ pounds. 14 pints. 4 pounds. 6 ounces. 2 pints.
	Weekly Total of solid food		168 ounces				210 ounces.
4. Exceeding 6 weeks; not exceeding 4 months; or after 6 weeks, and up to 4 months	Bread Potatoes Oatmeal Indian meal Milk	1 pound ½ pound 8 ounces 6 ounces 1 pint	7 pounds 3½ pounds 3½ pounds 4½ ounces 7 pints	In this dietary the bread is in excess of the military allowance up to 56 days, by half-a-pound a day; the half pound of potatoes does not exist in the military diet. As a set off to this excess, the Indian meal of the military diet is reduced from 9 to 6 ounces, and the milk from 1½ pint to 1 pint per diem	Bread Oatmeal gruel Potatoes Meat Soup	1½ pounds 2 pints - - -	10½ pounds. 14 pints. 2 pounds. 12 ounces. 3 pints.
	Weekly Total of solid food		266 ounces				212 ounces.
5. Exceeding 4 months; not exceeding 1 year; or after 4 months, and up to 1 year	Bread Potatoes Oatmeal Indian meal Milk	1 pound 1 pound 8 ounces 8 ounces 1 pint	7 pounds 7 pounds 56 ounces 56 ounces 7 pints	This dietary is in excess of the penal class diet of Millbank by 4 ounces bread and 8 ounces potatoes per diem; but it falls short of it by 2 ounces oatmeal and 2 ounces Indian meal per diem, and by half a pint of milk per diem. It would probably prove equally wholesome and nutritious	Bread Oatmeal gruel* Potatoes. Meat. Soup. * On three days of the week.	22 ounces 2 pints 1 pound - - Cocoa, 1 pint for the gruel.	154 ounces. 14 pints. 7 pounds 16 ounces. 3 pints.
	Weekly Total of solid food		336 ounces				282 ounces.
6. Exceeding 1 year; not exceeding 3 years; or after 1 year, till the expiration of sentence in county and borough prisons	Bread Potatoes Oatmeal Indian meal Milk	1 pound 1 pound 10 ounces 10 ounces 1½ pint	7 pounds 7 pounds 70 ounces 70 ounces 10½ pints	This diet is in excess of the penal class diet of Millbank by 4 ounces of bread and 8 ounces of potatoes, and it reaches the full allowances of that diet in oatmeal, Indian meal, and milk. It is believed to be a wholesome and nutritious diet for men undergoing hard labour			
	Weekly Total of solid food		364 ounces				

Arrangement of Meals in the several Dietaries.—The pound of bread in Class 1 to be given to the prisoner every morning, or twice a day, in 8 ounce rations, or three times a day, in rations of 6, 6, and 4, for breakfast, dinner, and supper. The potatoes, of course, always at dinner. The oatmeal gruel at breakfast and supper, as in the recommended diet. The oatmeal, made into porridge with half a pint of milk, for breakfast. The Indian meal, with the like quantity of milk, at dinner. In Dietaries 4, 5, and 6, the bread to be distributed thus:—Breakfast and dinner, 4 ounces each; supper, 8 ounces. But minor details to be left to the authorities of the several prisons. For women, the liquid elements to be as with men, but the solid food less by one-fourth.

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I have assumed throughout that there is no meat element in the dietaries. With regard to the one pound of bread per diem, I assume that there can be no reason why a prisoner for one week should not be put upon one pound of bread per diem; for in all prison punishments, both in military prisons and I believe in other prisons, and certainly in convict prisons, that is the punishment diet of those who are confined for three days in the dark cells; and one's experience shows that being already prisoners, and being presumed to have suffered somewhat from imprisonment, they do go through their three days in the dark cells upon bread and water without material injury to health. Some men and some women are continually incurring that punishment; and recently prisoners in Millbank have been put on bread and water for a week or ten days with impunity. I would still further strengthen what I have stated in reference to this first diet, by calling the attention of the Committee to the cases which we see frequently at Millbank, of prolonged abstinence. Prisoners who are not of unsound mind, but who, for objects of their own, pretend to be of unsound mind, or wish otherwise to make themselves troublesome, will take no food at all (with the exception of having access to water) for two, three and four days together, in many instances for five days together; and, in two instances, one under my own knowledge, and one which has been reported to me by an officer whom I can trust, for 10 days. I therefore argue, that if such periods of voluntary abstinence are possible, and the prisoner not only survives but is not thrown into a state of actual disease, but goes back immediately to the ordinary prison diet, there is a fair presumption that every prisoner, unless excused for medical reasons, may be safely put upon bread and water for that one week. Then, with regard to the second dietary, namely, that for prisoners after seven days and up to 21 days: I introduce there the element of half a pound of potatoes; and my reason for introducing that in preference to the oatmeal gruel is, that the potato has been proved to be one of the best anti-scorbutics; and therefore, in the case of such prisoners as might come into prison somewhat below par, for instance, tramps, vagrants and mendicants who may have been already submitted to some dietary difficulties, who may not have had a full supply of food, it would be safer to introduce early in their dietaries an anti-scorbutic element. I should therefore prefer half a pound of potatoes to oatmeal gruel, as the next addition to be made to the one pound of bread. On the third dietary, after 21 days, and up to six weeks, I have no other observation to make, but that I introduce there, by way of somewhat strengthening that diet, the two pints of oatmeal gruel allowed in the two preceding dietaries in the diet scale recommended by the Home Office. Then on the dietary which applies to prisoners after six weeks, and up to four months, I would observe that one pound of bread per day is in excess of the military allowance up to 56 days by half a pound a day, and that the half pound of potatoes does not exist at all in the military diet, the absence of the potato element being the defect of that diet. Some years ago scurvy broke out amongst military prisoners in Millbank, when it did not exist amongst other prisoners around them, and, as Dr. Baly clearly showed, from the omission of this potato element; but as a set-off to this excess in the matter of bread and potatoes, I have thought it expedient to reduce the Indian meal of the military diet from nine ounces to six ounces, and also the milk from one and a half pint per diem to one pint per diem. Then with regard to that diet which applies to prisoners after four months and up to one year, I would observe that the diet which I have suggested is in excess of the penal class diet of Millbank (of the sufficiency of which, I think we have had ample evidence), by four ounces of bread and eight ounces of potatoes per diem. I think that this is a sufficient set-off for the extra two ounces of oatmeal and two ounces of Indian meal and half a pint of milk per diem of that diet, and I think that the new diet would probably prove equally wholesome and nutritious. Then with regard to the last dietary, which applies to prisoners after the expiration of one year's sentence, and for any time which may still remain to be served in prison, I would observe that the diet which I suggest is in excess of the penal class diet at Millbank by four ounces of bread and eight ounces of potatoes per diem, and that it reaches the full allowances of that diet in oatmeal, Indian meal, and milk; and I believe it to be a wholesome and nutritious diet, and adapted not only to prisoners who like our penal class, are shut up without any labour except coir picking, but also to such prisoners as are undergoing what is usually termed hard labour.

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I have added a column to the table, showing the existing dietaries by way of contrast. I propose that the pound of bread in class 1 should be given to the prisoners every morning, or twice a day in eight ounce rations, or three times a day in rations of six, six and four for breakfast, dinner and supper; the potatoes of course, always at dinner. The oatmeal gruel at breakfast and supper. The oatmeal made into porridge with half a pint of milk for breakfast. The Indian meal, with the like quantity of milk at dinner. In dietaries, 4, 5 and 6, the bread to be distributed thus:—Breakfast and dinner four ounces each, supper eight ounces. I propose, when there is only one pint per day, that there should be no milk with the supper meal, but I suggest that the minor details should be left to the authorities of the separate prisons. For women, the liquid elements should be the same as for men, but the solid food should be less by one-fourth.

5305. The potato element forms a very important part of this diet, does it not?
It does.

5306. The object, as I understand, being to prevent anything like scurvy?
That is the object.

5307. In the event of a difficulty occurring with regard to the purchase of potatoes, what substitute would you recommend; is there any substitute which would be equally good?
I think that, in the event of a failure of potatoes, it would be desirable to substitute for the potato, wherever it occurs in the dietaries, a soup which should contain as much of the vegetable or pot-herb element as can be put into it, so as to make it a good, nutritious soup, with a certain quantity of meat; I think the difficulty of the case is best answered in that way.

5308. Can you put in to the Committee a proposal, with the precise figures, with regard to soup, and the element of meat contained in soup, which would be a substitute for potatoes?
Yes, I could do so.

5309. In the event of a failure of potatoes, is there any other vegetable which, in your opinion, would hold the same position?
I should doubt whether there was any vegetable which could be got at a cheap rate, that would hold the same position; onions, if they were cheap, would partially supply the want of potatoes, and cabbage also, and turnip-tops.

5310. That would only be administered in small quantities?
Yes; when the potato failed, any green vegetable which might happen to be economical, might be given.

5311. I understand, also, that the 4th Class represents, as nearly as possible, after the variations which you have described, the same amount of nutrition which you now have in the diet of prisoners confined in military prisons under 56 days?
It does pretty nearly, with the exceptions that I have pointed out.

5312. And that the 5th Class, as a whole, is in excess of the penal class diet at Millbank?
It is in excess in some respects, and in defect in others; it is rather in excess, and fully up to the standard of that diet.

5313. Would you see any objection on the ground of precaution to adding either in the 5th or in the 6th Class, a pint of soup on every alternate day?
I see no objection to it; it would, I think, be quite as desirable as the Indian meal pudding, and perhaps it would have some advantage over it, because the soup would contain some of those vegetable elements which it is so important that all dietaries should have.

5314. If you added a pint of soup on alternate days, or even on the fourth or fifth days of the week, in the last class, the 6th Class, would you be prepared to make that soup a substitute for those other elements which you would cut out of the diet, or would you think it under any circumstances desirable, as a precaution and safeguard against possible mischief, to make that addition?
I should not make that addition in any case, but I would substitute it. I would

would give to the prison authorities the option of substituting it for the Indian meal pudding.

5315. Would one pint of soup be a fair equivalent in the 5th Class for eight ounces of Indian meal?

I think it would, that is to say, for the eight ounces of Indian meal with half a pint of milk, which makes it into a pudding. The soup should contain at least three ounces of meat, the onion, and the usual pot-herbs, and I think also a certain quantity of treacle, and a certain small quantity of vinegar.

5316. Would you see any objection to reducing on alternate days the eight ounces of Indian meal to four ounces, and substituting for the four ounces thus struck off a pint of soup?

I would rather substitute the soup wholly for the Indian meal pudding, on alternate days. I think it would be simpler and better.

5317. Would an ordinary pint of soup, containing only three ounces of meat be a sufficient substitute for the eight ounces of Indian meal?

Soup containing three ounces of meat and vegetables, and perhaps thickened with a little oatmeal, and with any bread that may remain over from the previous day: a soup so thickened and strengthened, would be, I think, a fair substitute.

5318. Would you not entertain any apprehension that this diet might be too monotonous for the prisoners?

I do not think it would be too monotonous, for the reason that we have very large experience in Millbank at present, of prisoners who are put upon the penal class diet consisting of similar elements, and kept upon it for a considerable time as a punishment; and we know that they do not look upon this diet as more of a punishment than the ordinary diet of the prison, but frequently prefer it, and say that they do so.

5319. From your experience, you would not be afraid of any risk of a prisoner nauseating his food after a certain time?

No; I think there is quite variety enough to prevent that, especially if soup were introduced in place of Indian meal pudding. At Millbank, the five ounces of meat every day, and that without exception the same meat, proves more nauseating to the prisoner than the Indian meal pudding; but occasionally we are called upon to put these penal-class prisoners for a few days on rice pudding, by way of a change.

5320. Even if the meat came on alternate days?

If it came on alternate days, of course the monotony would be destroyed by the very fact of alternation.

5321. In your opinion, would four ounces of cooked meat be a fair equivalent for eight ounces of Indian meal?

It would be a fair equivalent. I do not say it would be an exact equivalent, but I should be quite satisfied with it.

5322. Would five ounces of meat in the 6th Class be a fair equivalent for 10 ounces of Indian meal?

I think four ounces would be sufficient, or a tolerably strong soup containing three ounces of meat.

5323. You would not be afraid upon this diet of employing a man at hard labour at the treadwheel, or the crank, or at shot drill?

I should not be afraid of doing so.

5324. Even if the allowance of hard labour ran as high as six or even eight hours a day?

No; I should not be afraid of it. At the same time, all new suggestions require to be tried; but I am quite certain that we have been too timid in this matter of diet, and that many of our extravagancies and inconsistencies in diet have originated out of an extreme and undue timidity.

5325. Earl of *Ducie.*] Is this diet one which you recommend, or is it merely one which you have drawn up in order to show how a diet may be framed without the meat element in it?

I have partly drawn it up to show how a diet may be framed without the

W. A. Guy, Esq., M.B.

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meat element in it, but at the same time I should be prepared to recommend it for trial.

5326. Earl *Cathcart.*] With regard to the cost of milk, do you think that under some circumstances there might be a difficulty in getting a supply of milk for a large prison?

I should think not. The cost of milk is not very great. As supplied at Millbank, the cost of milk is 10*d.* per gallon, or $1\frac{1}{4}d.$ per pint; therefore it is not an expensive element of diet.

5327. Do you find any difficulty in Millbank in obtaining a sufficient supply of milk at all seasons of the year?

We never have any difficulty upon that score.

5328. Do you prefer the best white bread or brown bread?

I should prefer brown bread.

5329. Do you consider the brown bread more wholesome?

I consider that in most cases brown bread is more wholesome, and also more nutritious.

5330. When you speak of the diet of military prisons, are you aware that a short time ago the surgeons of the Army represented that the diet was not sufficient, and consequently the diet was increased?

Yes; but that was, I presume, prior to 1861, when Sir Joshua Jebb issued his report on military prisons.

5331. Has not the military diet been increased since 1861?

I am not aware of any increase in the dietary since 1861. The report of 1861 refers to the improved scale of diet which had been used in the military prison at Aldershot since 1858, and which was provisionally adopted for the military prisons on the Home stations in September 1861. For periods exceeding 56 days, a quantity of meat is introduced into this dietary.

5332. Are you aware that that is the last scale of diet in the military prison?

I cannot say that of my own knowledge; I do not know of anything more recent.

5333. You have referred to military prisoners, and also to prisoners in county prisons; can you state to the Committee what standard of prisoners you would assume in calculating your table of diet?

I should take that mixed class of prisoners which you have in all civil prisons without exception, not merely robust prisoners, but men who come in, some of them in impaired health, some of them scrofulous, some of them consumptive, though not perhaps actually labouring under consumption at the time, and some who come in deformed and evidently weak; that is to say, less vigorous and strong than their neighbours. I would take the whole group of prisoners as they present themselves one with another.

5334. In speaking of military prisons, do you bear in mind that they are mainly picked and able-bodied men?

I do bear that in mind; and I think that a dietary which is suitable to a soldier, and to such soldiers as I myself am constantly seeing at Millbank, is surely well suited to the average of our prisoners, who are not such vigorous men.

5335. *Chairman.*] Have you any other suggestion that you wish to make to the Committee?

I would merely wish, in order to complete the statements I have made with regard to the relative diet of different classes of men, to state, that I find on taking seven different returns (two returns from London, and the others from the country), of the dietary of able-bodied male paupers, that the quantity of solid food of all kinds which they have, amounts to 191 ounces in a week, and that the dietary recommended for the county and borough gaols gives an aggregate of 282 ounces per week, there being a difference of about 91 ounces in the week in favour of the prisoner as against the pauper; the only difference in favour of the pauper being, that there is a somewhat greater variety in his dietary; that is to say, that he has more elements of diet, a few small things, such as tea, butter, cheese, are given to him, which are not allowed to a prisoner.

5336. May those Poor Law Tables, from which you have compiled that result, be accepted as fair specimens illustrative of the diet in use in the unions within the districts from which they are taken?

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Yes, I think so; they are taken without selection. They were given to me from the Poor Law Board without selection; one is from Leighton Buzzard; another is from King's Lynn; another from Bridport; another from Altrincham; one from Paddington; one from St. Olaves, Southwark, and one from Ashton-under-Lyne.

5337. You have not picked them, with reference to any particular view of your own, in order to prove anything special?

No; they were merely such as were given to me at the time, entirely without selection.

The Witness is directed to withdraw.

[Adjourned.

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APPENDIX.

Appendix A.

EXPLANATION of Exercises with Heavy Shot, as a means of enforcing a Sentence of Hard Labour.

The following diagrams show the exercises which have been carried into effect in the military prisons in England, and which are to be adopted in all prisons under these regulations in the United Kingdom.

In the colonies, the visitors will exercise their discretion as to the shot exercise being applicable, or otherwise, to the circumstances.

The disposition of the shot for exercise will depend on the shape of the ground, and the number of men to be exercised.

As a general rule, there should be an interval of from four to six paces between each, in order to prevent prisoners, when at exercise, communicating with each other. If, however, the space is too limited to allow of such an interval, a distance of one pace is sufficient.

The exercise, as far as circumstances permit, is to be continued for an hour and a half at a time, and repeated with the prescribed intervals, according to the regulations.

If a prisoner falls out for any purpose during shot exercise, he is to be required to make up the time by remaining ten minutes after the class is dismissed, for every such occasion, unless it shall be certified by the medical officer, that the state of the prisoner's health rendered it unavoidable.

As a general rule, the first and second classes will be exercised with 24-lb. shot, and the third class with 32-lb. shot.

Appendix A.

Explanation of Diagram and Exercise No. 1.

A is a long narrow pile of 24-lb. or 32-lb. shot, which are to be transferred to B, where there is a frame to receive them. Besides the shot in the pile, a single shot is placed on the ground, or in a small frame,* at the points 2, 3, 4, 5, 6. The prisoners are arranged, as shown, facing outwards. On a given word, the two lines glance their eyes to A, to take the time; when No. 1 makes the signal by holding up his hand, the whole stoop quickly; each man takes up the shot in front of him, moving briskly towards the pile B, till he comes to the spot quitted by the man who was next to him; he then halts. No. 6 of each line thus halts at B, and gives the signal, on which the whole place their shot in the boxes, or on the ground in front of them; after which they come to the position of attention. Taking the time from No. 6, they then march back to their original positions, ready to lift another shot on a signal from No. 1, and so on.

Thus, No. 1 takes a shot to where No. 2 stood, whilst No. 2 is taking one to No. 3, each returning empty-handed to his original position.

In this manner, the whole pile at A is removed, and when the last shot of the pile is placed at No. 2, the exercise is reversed, and the pile is transferred back from B to A.

Explanation of Diagram and Exercise No. 2.

This exercise may be carried on by two or three ranks placed at four or more paces apart, all facing inwards.

The movements are made by signal, as before explained, and when the pile to be removed is exhausted, the exercise is reversed, and the shot are carried back again.

Explanation of Diagram and Exercise No. 3.

Small piles of shot may be moved from A to B, and from C to D, and back, each man working on his own ground, and the distance between the ranks may be from six to eight paces, or as much more as may be convenient.

Men for this exercise may fall in one or two lines, if more convenient.

Explanation of Diagram and Exercise, No. 4.

The shot may be placed in two lines, or in the form of a rectangle, at equal distances of from four to six or eight paces apart, and the men fall in, each with a shot in front of him.† On a given word or signal, each man lifts his shot, and, facing as may be ordered, moves smartly to the spot which the man next to him quitted; there he halts, sets down the shot by signal, and comes up to the position of attention after it.

On the word or signal being given, he again lifts the shot, and moves to the next place, and so on.

Note.—It will be observed that this exercise is more laborious than the others, from the men always carrying a shot when they move. It will, therefore, only be enforced in the military prisons, as a punishment for a prison offence, and under particular circumstances; the latter to be noticed in the Governor's journal.

Explanation of Diagram and Exercise No. 5.

The shot may be placed as shown in Diagram No. 5 (at equal distances of three, four, five, or six paces), and the prisoners being arranged so that each man has a shot immediately in front of him, on a given word, "Pile Shot," each man lifts his shot, and turning (outwards) about, moves at the regular quick time to the spot from which the man in rear of him has removed his shot, where he halts, sets down his shot, and then turning (outwards) about, moves again to his original place, when he again picks up the shot in front of him.

Thus No. 1 takes his shot from No. 1 (turning to the right about) to No. 2, and then returns (turning to the left about) to take up the shot which No. 16 took at the same time from No. 16 to No. 1.

An odd file may be provided for, as shown by that portion of the Diagram, 16 to 17, and 1 to 17.

Explanation of Diagram and Exercise No. 6.

The shot may be placed as shown in Diagram No. 6, where the length of the ground on which the exercise is to be performed is limited.

The exercise will be performed as shown in No. 5. Thus, while No. 1 is removing his shot to No. 2, No. 21 will remove his shot from No. 21 to No. 22, and so on.

An odd file may be provided for in this exercise, as shown by that portion of the Diagram, 21 to 22, and 21 to 23.

---

* Three shots partly sunk in the ground, form a good temporary bed for receiving the shot.

† Or the shot may be placed round the four sides of a square, or in a circle, if more convenient.

TABLE, showing the Distance each Man must march in moving the Shot.

Number of Paces between the Shot.	Number of Shot moved in a Minute.	Number of Paces, per Hour, marched with a Shot.	Number of Paces marched, per Hour, without a Shot.	Whole Distance marched in the Hour.
3	6	1,080	1,080	2,160
4	6	1,440	1,440	2,880
5	4	1,200	1,200	2,400
6	4	1,440	1,440	2,880
5	5	1,500	1,500	3,000
6	5	1,800	1,800	3,600

Shot exercise may be made more severe, either by increasing the weight of the shot to 32 lbs., or by working, as in Exercise No. 4, the prisoners always having a shot in hand when moving.

Appendix B.

PAPER delivered in by Major *William Fulford*, R.A., 17 March 1863.

Appendix B.

AMENDED TABLE of Dietaries, County Gaol, Stafford, 1852.

Class 1.

Convicted Prisoners confined for any term not exceeding Seven Days.

	Males.		*Females.*	
Breakfast—	Oatmeal gruel	1 pint.	Oatmeal gruel	1 pint.
Dinner	Bread	1 lb.	Bread	1 lb.
Supper	Oatmeal gruel	1 pint.	Oatmeal gruel	1 pint.

Class 2.

Convicted Prisoners for any term exceeding Seven Days, and not exceeding One Calendar Month.

	Males.		*Females.*	
Breakfast—	Oatmeal gruel	1 pint.	Oatmeal gruel	1 pint.
	Bread	6 oz.	Bread	6 oz.
Dinner	Bread	12 oz.	Bread	6 oz.
Supper	Oatmeal gruel	1 pint.	Oatmeal gruel	1 pint.
	Bread	6 oz.	Bread	6 oz.

Prisoners of this class employed at hard labour to have, in addition, 1 pint of soup per week.

Class 3.

Convicted Prisoners employed at Hard Labour for terms exceeding One Calendar Month, but not more than Three Calendar Months; and Convicted Prisoners not employed at Hard Labour for terms exceeding One Calendar Month, but not more than Six Calendar Months.

	Males.		*Females.*	
Breakfast—	Oatmeal gruel	1 pint.	Oatmeal gruel	1 pint.
	Bread	6 oz.	Bread	6 oz.
	Monday and Friday.			
Dinner	Soup	1 pint.	Soup	1 pint.
	Bread	8 oz.	Bread	6 oz.
	Sunday and Thursday.			
„	Cooked meat, without bone	3 oz.	Cooked meat, without bone	3 oz.
	Bread	8 oz.	Bread	6 oz.
	Potatoes	½ lb.	Potatoes	½ lb.
	Tuesday, Wednesday, and Saturday.			
„	Bread	8 oz.	Bread	6 oz.
	Potatoes	1 lb.	Potatoes	1 lb.
Supper	Same as breakfast		Same as breakfast.	

Class 4.

Convicted Prisoners employed at Hard Labour for terms exceeding Three Calendar Months, but not more than Four Calendar Months; and Convicted Prisoners not employed at Hard Labour, for terms exceeding Six Calendar Months.

	Males.		*Females.*	
Breakfast—	Oatmeal gruel	1 pint.	Oatmeal gruel	1 pint.
	Bread	8 oz.	Bread	6 oz.
	Sunday, Tuesday, Thursday, and Saturday.			
Dinner	Cooked meat, without bone	3 oz.	Cooked meat, without bone	3 oz.
	Potatoes	½ lb.	Potatoes	½ lb.
	Bread	8 oz.	Bread	6 oz.
	Monday, Wednesday, and Friday.			
„	Soup	1 pint.	Soup	1 pint.
	Bread	8 oz.	Bread	6 oz.
Supper	Same as breakfast.		Same as breakfast.	

AMENDED TABLE of DIETARIES, &c.—*continued.* Appendix B.

CLASS 5.

Convicted Prisoners employed at Hard Labour for terms exceeding Four Calendar Months.

Sunday, Tuesday, Thursday, and Saturday.

	Males.		*Females.*	
Breakfast—	Oatmeal gruel	1 pint.	Oatmeal gruel	1 pint.
	Bread	8 oz.	Bread	6 oz.
Dinner	Cooked meat, without bone	4 oz.	Cooked meat, without bone	3 oz.
	Potatoes	1 lb.	Potatoes	½ lb.
	Bread	6 oz.	Bread	6 oz.

Monday, Wednesday, and Friday.

	Males.		*Females.*	
Breakfast—	Cocoa (Made of ¾ oz. of flaked cocoa, or cocoa nibs, sweetened with ¾ oz. of molasses or sugar.)	1 pint.	Cocoa (Made of ¾ oz. of flaked cocoa, or cocoa nibs, sweetened with ¾ oz. of molasses or sugar.)	1 pint.
	Bread	8 oz.	Bread	6 oz.
Dinner	Soup	1 pint.	Soup	1 pint.
	Potatoes	1 lb.	Potatoes	½ lb.
	Bread	6 oz.	Bread	6 oz.
Supper	Oatmeal gruel	1 pint.	Oatmeal gruel	1 pint.
	Bread	8 oz.	Bread	6 oz.

CLASS 6.

Prisoners sentenced by Court to Solitary Confinement.

Males.	*Females.*
The ordinary diet of their respective classes.	The ordinary diet of their respective classes.

CLASS 7.

Prisoners for Examination before Trial, and Misdemeanants of the First Division, who do not maintain themselves.

Males.	*Females.*
The same as Class 4.	The same as Class 4.

CLASS 8.

Destitute Debtors.

Males.	*Females.*
The same as Class 4.	The same as Class 4.

CLASS 9.

Prisoners under Punishment for Prison Offences, for terms not exceeding Three Days:—1 lb. of bread per diem.

Prisoners in Close Confinement for Prison Offences, under the Provision of the 42d Section of the Gaol Act.

	Males.		*Females.*	
Breakfast—	Gruel	1 pint.	Gruel	1 pint.
	Bread	8 oz.	Bread	6 oz.
Dinner	Bread	8 oz.	Bread	6 oz.
Supper	Gruel	1 pint.	Gruel	1 pint.
	Bread	8 oz.	Bread	6 oz.

Note.—The soup to contain, per pint, 3 oz. of cooked meat without bone (for 4th and 5th Classes), 3 oz. of potatoes, 1 oz. of barley, rice, or oatmeal, and 1 oz. of onions or leeks, with pepper and salt. The gruel to contain 1½ oz. of oatmeal per pint. The gruel, on alternate days, to be sweetened with ¾ oz. of molasses or sugar, and seasoned with salt. In seasons when the potato crop has failed, 4 oz. of split peas made into a pudding may be occasionally substituted; but the change must not be made more than twice in each week. Boys under 14 years of age to be placed on the same diet as females.

Appendix C.

PAPERS delivered in by *William Musson*, Esq., 17 March 1863.

Appendix C.

Notice to Prisoners under Sentence of Hard Labour.

Hard labour for nine hours per diem will be enforced upon every prisoner sentenced to hard labour, and every prisoner so sentenced may be required to perform hard labour at the crank during the entire period of his sentence.

But in order to encourage habits of willing and steady industry, and of cheerful obedience, hard labour is so arranged that every prisoner has it in his own power, by his industry and uniform good conduct to reduce the length of the period for which he will be required to labour at the crank.

At the commencement, hard labour at the crank will be enforced for eight hours per diem, with one hour of other hard labour of a different description. The duration of this period is set forth in the scale below.

Afterwards the crank labour will not be enforced for so many hours, the remaining hours being occupied with hard labour of a different description. The duration of these periods is also set forth in the scale below.

Prisoners are to remember that the scale of crank labour as laid down in this notice, is applicable to those prisoners only who exhibit willing industry and uniform good conduct. And every prisoner misconducting himself will be liable to be kept to crank labour for the whole term of his sentence.

Any prisoner who may have worked through the periods of crank labour, will by misconduct in any subsequent stage of his imprisonment, render himself liable to be sent back again to crank labour.

Scale of Crank Labour to be enforced during a Sentence of Imprisonment with Hard Labour.

Periods of Crank Labour for a First Commitment.

SENTENCE.	8 Hours per Diem.	7 Hours per Diem.	6 Hours per Diem.	5 Hours per Diem.	Total in Weeks.	Total in Days.	Total in Hours.
12 Months and upwards - -	4 weeks -	4 weeks -	4 weeks -	5 weeks -	17	102	654

Periods of Crank Labour for a Second Commitment.

SENTENCE.	8 Hours per Diem.	7 Hours per Diem.	6 Hours per Diem.	5 Hours per Diem.	Total in Weeks.	Total in Days.	Total in Hours.
12 Months and upwards - -	4 weeks -	4 weeks -	7 weeks -	4 weeks.	19	114	732

Crank Labour.—Number of Cranks, 33.

1,800 Revolutions per Hour; 14,400 per Day for Adults.

Period of Crank Labour for a First Commitment.

SENTENCE.	8 Hours per Diem.	7 Hours per Diem.	6 Hours per Diem.	5 Hours per Diem.	Total in Weeks.	Total in Days.	Total in Hours.
21 days	14 days	-	-	-	2	12	96
1 month	3 weeks	-	-	-	3	18	144
6 weeks	2 „	1 week	1 week	-	4	24	174
2 months	2 „	2 weeks	-	-	4	24	180
3 „	2 „	1 „	2 weeks	-	5	30	210
4 „	2 „	3 „	-	-	5	30	222
5 „	2 „	3 „	1 week	-	6	36	258
6 „	2 „	3 „	2 weeks	-	7	42	294
7 „	2 „	3 „	3 „	-	8	48	330
8 „	2 „	3 „	3 „	1 week	9	54	360
9 „	2 „	3 „	3 „	2 „	10	60	390
10 „	2 „	3 „	3 „	3 „	11	66	420
11 „	2 „	3 „	3 „	4 „	12	72	450
12	2 „	3 „	3 „	5 „	13	78	480

1,500 Revolutions per Hour; 12,000 per Day for Juveniles.

Period of Crank Labour for a Second Commitment.

SENTENCE.	8 Hours per Diem.	7 Hours per Diem.	6 Hours per Diem.	5 Hours per Diem.	Total in Weeks.	Total in Days.	Total in Hours.
21 days	18 days	-	-	-	3	18	144
1 month	3 weeks	1 week	-	-	4	24	186
6 weeks	3 „	2 weeks	-	-	5	30	228
2 months	4 „	3 „	-	-	7	42	318
3 „	4 „	4 „	1 week	-	9	54	396
4 „	4 „	4 „	2 weeks	-	10	60	432
5 „	4 „	4 „	4 „	-	12	72	504
6 „	4 „	4 „	5 „	-	13	78	540
7 „	4 „	4 „	6 „	-	14	84	576
8 „	4 „	4 „	7 „	-	15	90	612
9 „	4 „	4 „	7 „	1 week	16	96	642
10 „	4 „	4 „	7 „	2 weeks	17	102	672
11 „	4 „	4 „	7 „	3 „	18	108	702
12 „	4 „	4 „	7 „	4 „	19	114	732

APPENDIX D.

Appendix D.

RETURN of the Number of CRIMINAL PRISONERS committed to the County Gaol and House of Correction at READING, during the following Years, excluding Debtors but not Re-examinations; viz.

1853.	1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	1862.
711	773	677	645	705	735	597	575	702	760

RETURN of the Number of CRIMINAL PRISONERS committed to the County Gaol and House of Correction at READING, who have been previously committed.

1853.	1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	1862.
205	223	196	166	220	181	153	148	155	173

RETURN of the Number of VAGRANTS committed to the House of Correction at READING during the following Years; viz.

1853.	1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	1862.
113	87	52	72	69	99	87	80	96	101

RETURN of the Number of Cases, and also the Number of COUNTY PRISONERS prosecuted at Assizes and Sessions during the following Years.

	No. of Cases.	No. of Prisoners.
Year ending Michaelmas 1859	88	99
" " 1860	64	75
" " 1861	90	107
" " 1862	79	107
In Four Years - - TOTAL - - -		368

During Four Years, 1845—1848, Prosecutions were 655.

EMPLOYMENT OF PRISONERS.

	From	To
Sweeping cells, making beds, &c.	6 0 A.M.	6 15 A.M.
Grinding corn, pumping water, mat-making, exercise, &c. &c.	6 15 "	7 30 "
Breakfast and self-instruction in cells	7 45 "	9 0 "
Chapel	9 0 "	10 0 "
Female school class	10 0 "	10 45 "
Walk for male prisoners	10 0 "	11 0 "
School for male prisoners	11 0 "	11 45 "
Dinner and self-instruction in cells	11 45 "	1 0 P.M.
Work, school, and exercise	1 0 P.M.	2 0 "
Work, cleaning, school, and exercise	2 0 "	3 0 "
Work, cleaning, and school	3 0 "	4 0 "
Work, cleaning, and exercise	4 0 "	5 0 "
Work and cleaning	5 0 "	5 40 "
Supper and self-instruction in cells	5 45 "	7 45 "
Preparing for bed	7 45 "	8 0 "
In bed	8 0 "	6 0 A.M.

SUMMARY.

Work	5 hours.	Self-instruction in cells	4 hours.
Chapel	1 "	Meals	1 "
Exercise	2 "	Bed	10 "
School	1 "		24

RETURN of the Number of PRISONERS in READING and ABINGDON GAOLS, omitting Debtors and Persons under Examination, for the last Ten Years; viz., 1853 to 1862, inclusive.

PRISONS.	1853.	1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	1862.
Reading - - -	704	753	661	635	676	715	577	566	694	747
Abingdon - - -	295	345	254	221	244	167	126	127	150	164
TOTAL Prisons - -	999	1,098	915	856	920	882	703	693	844	911

RETURN of NET CHARGE on COUNTY RATES during the same Period.

PRISONS.	1853.	1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	1862.
	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Reading - - -	2,036	1,986	1,761	1,687	1,617	1,577	1,701	1,433	1,273	1,380
Abingdon - - -	831	908	915	765	534	544	439	437	557	524
TOTAL Cost - - £.	2,867	2,984	2,676	2,452	2,151	2,121	2,140	1,870	1,830	1,904

DIETARIES.—COUNTY GAOL, READING, BERKS.

CLASS No. 1.

Convicted Prisoners confined for any term not exceeding Seven Days.

	Male.	*Female.*
Breakfast and Supper -	1 pint of oatmeal gruel - - -	1 pint of oatmeal gruel.
Dinner - - -	1 lb. of bread - - - -	1 lb. of bread.
	(1 *s.* $0\frac{3}{4}$ *d.*$\frac{6}{11}$)	(1 *s.* $0\frac{3}{4}$ *d.*$\frac{6}{11}$)

CLASS No. 2.

Convicted Prisoners for any term exceeding Seven Days, and not exceeding Twenty-one Days.

	Male.	*Female.*
Breakfast and Supper	1 pint of oatmeal gruel, 6 oz. of bread.	1 pint of oatmeal gruel, 6 oz. of
Dinner - - -	12 oz. of bread - - - - -	6 oz. of bread.
	1 pint soup per week, if at hard labour.	1 pint soup per week, if at hard labour.
	(1 *s.* $6\frac{1}{4}$ *d.*)	(1 *s.* $3\frac{1}{4}$ *d.*)

Appendix D.

DIETARIES.—COUNTY GAOL, READING, BERKS—*continued.*

CLASS No. 3.

Convicted Prisoners employed at Hard Labour for terms exceeding Twenty-one Days, but not more than Six Weeks; and Convicted Prisoners not employed at Hard Labour, for terms exceeding Twenty-one Days, but not more than Four Months.

	Male.	*Female.*
Breakfast and Supper -	1 pint of oatmeal gruel, 6 oz. of bread	1 pint of oatmeal gruel, 6 oz. of bread.
Dinner:		
Sunday - - -	1 pint of soup, 8 oz. of bread -	1 pint of soup, 6 oz. of bread.
Thursday - -		
Tuesday - -	3 oz. cooked meat, without bone, 8 oz. bread, and ½ lb. potatoes.	3 oz. cooked meat, without bone, 6 oz. bread, and ½ lb. potatoes.
Saturday - -		
Monday - -	8 oz. of bread, 1 lb. of potatoes -	6 oz. of bread, 1 lb. of potatoes.
Wednesday - -		
Friday - - -		
	(1*s.* 8½*d.*)	(1 *s.* 7¼ *d.*)

CLASS No. 4.

Convicted Prisoners employed at Hard Labour for terms exceeding Six Weeks, but not more than Four Months, and Convicted Prisoners not employed at Hard Labour for terms exceeding Four Months. No. 6, Prisoners sentenced by Court to Solitary Confinement. No. 7, Prisonersfor Examination before Trial, and Misdemeanants of the first division, who do not maintain themselves. No. 8, Destitute. Debtors.

	Male.	*Female.*
Breakfast and Supper -	1 pint of oatmeal gruel, 8 oz. of bread	1 pint of oatmeal gruel, 6 oz. of bread.
Dinner:		
Sunday - - -	3 oz. of cooked meat, without bone	3 oz. of cooked meat, without bone.
Thursday - -		
Tuesday - -	½ lb. of potatoes, and 8 oz. of bread	½ lb. of potatoes and 6 oz. of bread.
Saturday - -		
Monday - -	1 pint of soup, 8 oz. of bread -	1 pint of soup, 6 oz. of bread.
Wednesday - -		
Friday - - -		
	(2*s.* 2½*d.*)	(1*s.* 11*d.*)

CLASS No. 5.

Convicted Prisoners employed at Hard Labour for terms exceeding Four Months.

	Male.	*Female.*
Sunday - - -	Breakfast.—1 pint of oatmeal gruel, 8 oz. of bread.	Breakfast.—1 pint of oatmeal gruel, 6 oz. of bread.
Tuesday - - -		
Thursday - - -	Dinner.—4 oz. cooked meat, without bone, 1 lb. potatoes, 6 oz. bread.	Dinner.—3 oz. cooked meat, without bone, ½ lb. potatoes, 6 oz. bread.
Saturday - - -		
Monday - - -	Breakfast.—1 pint of oatmeal gruel, 8 oz. of bread.	Breakfast.—1 pint of oatmeal gruel, 6 oz. of bread.
Wednesday - -	Dinner.—1 pint soup, 1 lb. potatoes, 6 oz. bread.	Dinner.—1 pint soup, ½ lb. potatoes, 6 oz. bread.
Friday - - -	Supper, the week, 1 pint gruel, 8 oz. bread.	Supper, the week, 1 pint gruel, 6 oz. bread.
	(2*s.* 5*d.*)	(1*s.* 11½*d.*)

CLASS No. 9.

Prisoners in Close Confinement for Prison Offences, under the provision of the 42d section Gaol Act.

	Male.	*Female.*
Breakfast and Supper -	1 pint of gruel, 8 oz. of bread -	1 pint of gruel, 6 oz. of bread.
Dinner - - -	8 oz. of bread - - - - -	6 oz. of bread.
Not exceeding 3 days	1 lb. of bread per day - - -	1 lb. of bread per day.

Note.—The soup to contain, per pint, 3 ounces of cooked meat, without bone, 3 ounces of potatoes, one ounce of barley, rice, or oatmeal, and 1 ounce of onions or leeks, with pepper and salt. The gruel to contain 2 ounces of oatmeal per pint, and seasoned with salt. In seasons when the potato crop has failed, 4 ounces of split peas made into a pudding may be occasionally substituted, but the change must not be made more than *twice* in each week. Boys under 14 years of age to be placed on the same diet as females.

Easter Sessions, 1863.

ABSTRACT of Expenditure for County Gaol at Reading, for the Quarter from 20th December 1862 to 20th March 1863 inclusive, 91 days.

Charges of Establishment.

Salaries of Officers. (1.)

	£.	s.	d.
Governor	75	–	–
Chaplain	62	10	–
Surgeon	25	–	–
Deputy Governor	25	–	–
Matron	9	15	–
Storekeeper	15	5	6
2 First-class Warders, at 12*l.* 10*s.* each	25	–	–
2 Second Class Warders, at 10*l.* each	20	–	–
5 Third Class Warders, at 7*l.* 10*s.* each	37	10	–
2 Schoolmasters, at 7*l.* 10*s.* each	15	–	–
Porter	10	–	–
Cook	7	10	–
Assistant Matron	6	5	–
Engineer	13	–	–
Clerk	7	10	–
Total £.	354	5	6

Pensions to Superannuated Officers.

	£.	s.	d.
Chaplain	41	13	4
Matron	4	10	–
2 Warders, at 4*l.* 10*s.* each	9	–	–
1 Warder	6	5	–
Total £.	61	8	4

Rations. (2.)

	£.	s.	d.
1,780 lbs. of bread, at 4¾ *d.* ½ *f.* per 4 lb. loaf	8	18	–
7½ bushels of flour, at 7*s.* 2*d.*	2	13	9
1,678 lbs. of meat, at 6*d.*	41	19	–
140 lbs. of bacon, at 6¾ *d.*	3	18	9
56 lbs. of coffee, at 1*s.* 4*d.*	3	14	8
56 lbs. of tea, at 2*s.* 11*d.*	8	3	4
129 lbs. butter, at 16*d.* and 17*d.*	8	18	8½
2 cwt. sugar, at 40*s.*	4	–	–
450 qts. of milk, at 3*d.*	5	12	6
1½ gal. vinegar, at 1*s.* 4*d.*	–	2	–
9 lbs. of mustard, at 10*d.*	–	7	6
9 lbs. of pepper, at 1*s.* 1*d.*	–	9	9
1 cwt. 1 qr. 16¾ lbs. cheese, at 58*s.* per cwt.	4	1	3
32¾ bushels potatoes, at 2*s.*	3	5	6
1 cwt. salt, at 1*s.* 8*d.*	–	1	8
Total £.	96	6	4½

Printing and Advertisements, Books, Stationery, Calendars, &c. (3.)

	£.	s.	d.
Advertisements	2	5	–
Sessions, Calendars, and Quarterly Returns	9	–	–
Assize Calendars	8	–	–
Printing	1	14	6
Books of Instruction	–	6	–
Stationery	1	6	9
Account Books	3	9	–
Almanacks	–	1	6
Prison Regulations	–	6	–
Total £.	26	8	9

Maintenance of Prisoners.

Diet. (4.)

	£.	s.	d.
16,695 lbs. 6 oz. of bread, at 4¾ *d.* ½ *f.* per 4 lb. loaf	83	8	10
2,535 lbs. of meat, at 4½ *d.*	47	10	7½
30 cwt. oatmeal, at 18*s.* 6*d.*	27	15	–
1 cwt. 3 qrs. rice, at 14*s.*	1	4	6
138 bushels potatoes, at 2*s.*	13	16	–
9 lbs. of pepper, at 1*s.* 1*d.*	–	9	9
2 cwt. of salt, at 1*s.* 8*d.*	–	3	4
3½ bushels of leeks	–	7	6
For Sick.			
83 lbs. of meat, at 4*d.*	1	7	8
19 qts. 1 pt. of milk, at 3*d.*	–	4	10½
1 lb. of tea, at 2*s.* 11*d.*	–	2	11
5½ lbs. butter, at 16*d.* and 17*d.*	–	7	8½
Wine, spirits, and porter	2	12	7½
Eggs	–	2	6
Total £.	179	13	10

Clothing and Bedding. (5.)

	£.	s.	d.
Clothing	25	8	7½
Bedding	10	10	2
Leather, hemp, &c.	9	17	–
Straw for beds	–	12	–
Total £.	46	7	9½

Fuel, Gas, Oil, &c. (6.)

	£.	s.	d.
20 tons of coal, at 16*s.* 3*d.*	16	5	–
175,500 feet of gas, at 4*s.* 3*d.* per 1,000	37	5	11
30 chald. coke, at 10*s.* 6*d.*	15	15	–
400 bundles of hoop chips, at 6*s.* 8*d.* per 100	1	6	8
4 quarts of oil	–	5	3
4 quarts of naphtha	–	8	–
Matches	–	1	6
6 lbs. of candles, at 6*d.*	–	3	–
Total £.	71	10	4

ABSTRACT of EXPENDITURE for COUNTY GAOL at READING, &c.—*continued.*

Conveyance of Prisoners. (7.)	£.	s.	d.	Repairs and Improvements. (8.)	£.	s.	d.	Stores and Incidentals. (9.)	£.	s.	d.
Conveying prisoners to Epiphany Sessions at Reading		17	–	Plumber, glazier, and painter	11	16	3	Brooms and brushes	2	17	3
Conveying prisoners to Lent Assizes at Reading	2	2	–	Locksmith and ironfounder	8	10	9	House cloths	1	2	11
Conveying four prisoners to Reformatory School at Warminster	4	13	9	Brazier and tinman	–	5	6	Sweeping chimneys	1	6	–
				Materials	4	–	2½	Taxes	–	17	6
				Labour	2	5	9	Crockery ware	–	12	6
				Slater	–	9	6	Sundries	1	18	11
				Carpenter	4	10	1	Nurses	4	14	6
				Bricklayer	1	11	6	Postage and receipt stamps	1	2	6
								Travelling expenses	–	13	3
								Shaving and hair cutting	5	–	–
								Soda	–	6	6
								Mat-making materials	48	2	9
								Brown paper	1	7	6
								Letters and parcels	–	1	11
								Cash given to prisoners on their discharge	6	6	3
								Officers' uniform great coats	25	19	–
								Tin pails	1	6	6
								Manure and seeds for garden	4	4	7
								Funeral expenses	1	4	–
TOTAL £.	7	12	9	TOTAL £.	33	9	6½	TOTAL £.	109	4	4

(10.)

	£.	s.	d.	£.	s.	d.
Total Expenditure during the Quarter for County and Borough prisoners, as shown by the above nine columns				924	19	2½
Deduct Receipts and Credits applicable to County Rates:						
By Governor for Deserters	3	5	–			
By Governor for Soldiers						
By Governor for Productive Labour	43	8	4½			
By Governor for old Iron	–	8	11			
Borough of Reading for Prisoners - 1,916 days, at 1 *s.* 9½ *d.*	171	12	10			
Borough of New Windsor for Prisoners - 1,811 days, at 1 *s.* 9½ *d.*	162	4	8½			
Borough of Newbury for Prisoners - 733 days, at 1 *s.* 9½ *d.*	65	13	3½			
Borough of Abingdon for Prisoners - 23 days, at 1 *s.* 9½ *d.*	2	1	2½			
Government for Removal of Convicts	15	9	7½			
Government allowance in aid of County Prisoners when convicted *				464	3	11½
Balance of Charge to be provided from County Rate £.				460	15	3

Gross average Cost of Prisoners during the Quarter - - - 12,483 days, at 1 *s.* 5¾ *d.* $\frac{6}{15}$ *f.* per head.
Net average Cost after deducting Receipts - - - - - - - - 8¾ *d.* ¾ *f.* „

Average number of County Prisoners per day	$87\frac{83}{91}$
Ditto - Borough of Reading	$21\frac{5}{91}$
Ditto - Borough of New Windsor	$19\frac{82}{91}$
Ditto - Borough of Newbury	$8\frac{5}{91}$
Ditto - Borough of Abingdon	$0\frac{3}{91}$
Total daily average number of Prisoners during the Quarter	$137\frac{16}{91}$

* A corresponding allowance which does not come into County Receipts is made to Boroughs.

ABSTRACT of EXPENDITURE for COUNTY GAOL at READING, &c.—*continued.*

COMPARATIVE EXPENDITURE and RECEIPT of Four last Years.

(11.)

	1859.	1860.	1861.	1862.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Expenditure	3,581 11 4	3,283 10 –	3,491 13 2¾	3,546 10 –
Receipts from Boroughs, &c.	1,879 15 6¾	1,849 14 –	2,217 17 2	2,166 3 2¼
Balance of Charge upon the County Rate per annum, after deducting all Receipts £.	1,701 15 9¼	1,433 16 –	1,273 16 –¾	1,380 6 9¾
Total Number of Days	43,648	34,210	41,810	43,011
Average Net Cost of each Prisoner per day	9¼ *d.* ⅜ *f.*	10 *d.* ⅜ *f.*	7½ *d.* ⅛ *f.*	7½ *d.* ⅛ *f.*

COMPARATIVE STATEMENT.

(12.)

DISPOSAL of PRISONERS from Michaelmas 1861 to Michaelmas 1862.

	Male.	Fem.
Hanged	1	–
Penal servitude	13	–
Imprisoned for different periods, and since discharged	480	100
Acquitted and discharged	45	5
Discharged on recognizance	–	–
Discharged on payment of fines	11	3
Debtors discharged	30	–
Debtors in custody	6	1
In custody for assizes	2	–
In custody for sessions	11	3
In custody for re-examination	–	–
In custody for different periods	61	11
In custody under sentence of penal servitude	6	–
Transferred to Abingdon county prison	–	4
On bail	3	–
TOTAL	669	127

COMPARATIVE NUMBER of PRISONERS Committed to the Gaol and House of Correction for the following Years, ending Michaelmas 1862.

Total Number of Prisoners.	1859.	1860.	1861.	1862.
Convicted felons	193	228	275	279
Ditto misdemeanors, including those under summary convictions	131	121	176	209
Assaults	43	34	43	66
Game laws	24	27	21	29
Committed on charge or suspicion of felony	31	42	42	41
Committed on charge or suspicion of misdemeanors	12	11	10	14
Soldiers	56	23	31	17
Debtors	21	16	23	9
Ditto, under Small Debts Act	37	19	31	27
Vagrants	87	80	96	101
For further examination	20	19	8	13
TOTAL	655	620	756	796

Examined and allowed,

Adolphus W. Young,
Warwick Morshead,
W. Merry,
Visiting Justices.

Samuel Ferry, Governor.

Appendix E.

PAPERS delivered in by *Edward Shepherd*, Esq., 21 April 1863.

Appendix, E.

The Annual Average Number of Criminals committed to the West Riding Prison, Wakefield, in the Five Years ending 1831, compared with those committed in the Five Years ending 1861, or 30 years after.

Annual Average of Five Years ending 1831.	DESCRIPTION OF OFFENDERS.	Annual Average of Five Years ending 1861.	Increase.
1,240	Residents of the West Riding, committed to prison for the first time.	1,285	45
426	Non-resident strangers, tramps, and travelling thieves not known to have been previously in prison.	1,297	671
922	Old offenders known to have been previously in prison	1,784	862
2,588	Average of five years - - - - - -	4,166	1,578

A Scale of Diet recommended for all Prisoners in England and Wales, showing the Quantities of Food in Ounces per Week.

Class.	TERMS OF IMPRISONMENT.	Cereal. A.	Vegetable. B.	Animal. C.	Total in Ounces.	Additional.
7	Prisoners committed for terms of imprisonment, not exceeding 10 days.	140	–	–	140	–
6	Prisoners committed for terms exceeding 10 days, and not exceeding 1 month.	164	36	–	200	–
5	All other prisoners during the first month of their confinement.	182	60	8	250	–
4	Obtainable by good conduct and industry after the completion of 1 month's imprisonment.	188	68	10	266	–
3	Obtainable by good conduct and industry after the completion of 4 months' imprisonment.	200	76	14	290	–
2	Obtainable by good conduct and industry after the completion of 8 months' imprisonment.	200	104	16	320	–
1	Obtainable by good conduct and industry after the completion of 12 months' imprisonment.	200	104	16	320	Milk, 7 pints.

A. Cereal.—Consists of bread; oatmeal, 2 ounces to each pint of gruel.
„ flour used in puddings or in soup.
„ peas used in soup.

B. Vegetable.—Chiefly potatoes and onions.

C. Animal.—Meat cooked, given cold or in soup; calculated without bone and after boiling.

If a prisoner misconduct himself, he may be reproved or punished by solitary confinement on bread and water for three days, or reduced in class, at the discretion of the Governor.

Appendix F.

PAPERS delivered in by *William Oakley*, Esq., 24 April 1863.

STATEMENT of Weekly Allowance of Diet for Adult Males, according to the Dietary Tables of the undermentioned Union Workhouses.

UNION WORKHOUSES.	Bread.	Meat.	Potatoes, or other Vegetables.	Soup.	Cocoa, Gruel, or Broth.	Cheese.	Suet Pudding.	Butter.	Tea.	Treacle.	Total Solid Food.	Total Liquid Food.	REMARKS.
Somerset:	*oz.*	*oz.*	*oz.*	*pints.*	*pints.*	*oz.*	*oz.*	*oz.*	*pts.*	*oz.*	*oz.*	*pints.*	
Axbridge[a]	126	8	–	3	13½	10	28	–	–	–	172	16½	[a] Quantity of each ingredient to a Gallon of Pease Soup —Peas, two pints, with one or two ox cheeks, and one or two legs, according to the number of paupers. Meat and bone, 12 oz. Rice Soup.—Meat, the same as above. Rice, 6 oz. Broth.—The Broth used is twice in the week for supper on the meat dinner days, and is made from the waste or gravy of the meat which is saved for that purpose (the meat used is without bone). Gruel.—Average ¾ lb. Embden groats to each Gallon. Suet Pudding.—9½ oz. flour, 1½ oz. suet, to make 1 lb.
Bath	126	13	24	1½	10½	18½	–	–	–	–	181½	12	
Bedminster	117	15	36	4½	15	8	14	–	–	–	190	19½	
Bridgwater	96	9	60	1½	10½	10	16	–	–	–	191	12	
Chard	126	8	40	3	10	14½	14	–	–	–	202½	10	
Dulverton	98	15	112	4½	14¼	–	10	–	–	–	235	18¾	
Frome	126	10	48	1½	10½	18½	–	–	–	–	202½	12	
Keynsham	114	8	38	1½	10½	15	–	–	–	½	175½	12	
Langport	109	8	40	4½	13½	10	33	–	–	–	200	18	
Shepton Mallet	126	5	40	1½	10½	15	14	–	–	–	200	10½	
Taunton	102	12	48	3	15	8	14	–	–	–	184	18	
Wells	104	11	128	3	10½	12½	12	–	–	–	267½	13½	
Wellington	112	6	56	–	19½	7	32	–	–	–	213	19½	
Williton	100	12	72	–	15	10	28	–	–	–	222	15	
Wincanton	117	6	72	–	10½	15	20	–	–	–	230	10½	
Yeovil	104	12	48	3	10½	12½	14	–	–	–	190½	13½	
Devon:													
Barnstaple	112	13	48	2	14	16	28	–	–	–	217	14	
Crediton	102	12	72	3	15	8	14	1	–	–	219	16	
Devonport	92	12	48	5	10	–	28	4	–	–	184	15	
Exeter	117	16	52	3	21	–	16	–	–	–	201	24	
Honiton	119	12	48	3¾	21	–	16	–	–	–	195	24¾	
Kingsbridge	119	15	36	3	17½	6	32	–	–	–	208	20½	
Newton Abbott	105	12	48	4½	18	4	16	–	–	–	185	22½	
South Molton	117	15	48	4½	15½	6	16	–	–	–	202	20	
Tavistock	124	11½	–	3	13½	–	32	–	–	–	167½	16½	
Tiverton	119	15	48	10	16½	–	18	–	–	–	200	26½	
Thomas, St.	98	12	84	3¾	21	–	26	–	–	–	220	24¾	
Torrington	117	14	48	6	10½	6	16	–	–	–	201	16½	
Totness	84	12	80	3	16½	6	32	–	–	–	214	19½	
Dorset:													
Axminster	97	8	56	4½	13½	11	16	–	–	–	188	18	
Beaminster	122	8	64	3	10½	13½	16	–	–	–	223½	13½	
Blandford	109	10	32	1½	10½	15	16	–	–	–	182	12	
Dorchester	110	10	32	3	10½	20	14	–	–	–	186	13½	
Sherborne	96	15	36	4½	10½	8	14	–	–	–	169	15	
Sturminster	126	13	32	–	10½	18½	–	–	–	–	189½	10½	
Wimborne	117	16	64	4½	10½	14	42	–	–	–	253	15	
Weymouth	108	11	–	4½	13½	10	14	–	–	–	143	18	
Wilts:													
Calne	128	7	96	2	14	–	16	1¾	–	–	248¾	16	
Chippenham	105	12	64	1½	–	6½	16	2¾	11	–	206¼	12½	
Devizes	118	11	84	1½	10½	12	24	–	–	–	249	12	
Marlborough	113	8	64	4	14	8½	32	–	–	–	225½	18	
Melksham	126	12	88	1	10½	16	32	–	–	–	274	11½	
Salisbury	118	16	24	1½	10½	16	32	–	–	–	206	12	
Warminster	132	10	32	1½	19½	6	–	–	–	–	180	21	
Middlesex:										Pints of Beer.			
Clerkenwell	102	15	32	4	10½	7	14	–	–	3½	170	18	
Holborn	98	15	24	4½	10½	8	14	–	–	–	159	15	
46 Union Workhouses.										46)	9,323	743½	
											202	16	

Somerset County Gaol, Taunton.

Wm. Oakley, Governor.

STATEMENT of Weekly Allowance of Diet for Male Prisoners (on the highest Class), according to the Dietary Tables of the undermentioned 50 County Gaols.

COUNTY, and when Certified.		Bread.	Meat.	Potatoes.	Soup.	Cocoa or Gruel.	Cheese.	Butter.	Scout.	Milk.	Oatmeal.	Suet Pudding.	Total Solid Food.	Total Liquid Food.
		oz.	oz.	oz.	pints	pints.	oz.	oz.	oz.	pts.	oz.	oz.	oz.	pints.
Somerset[a]	1850	154	25	112	3	14	–	–	–	–	–	–	291	17
Anglesey[b]	–	154	16	112	3	14	–	–	–	–	–	–	282	17
Berks[c]	–	154	16	112	3	14	–	–	–	–	–	–	282	17
Bedford	1857	154	16	112	3	14	–	–	–	–	–	–	282	17
Buckingham	1858	154	16	112	3	14	–	–	–	–	–	–	282	17
Brecon	1845	168	[d]18	112	–	14	–	–	–	–	–	–	298	14
Cumberland	1861	154	12	112	3	14	–	–	–	–	–	–	278	17
Carmarthen	1849	168	–	32	[e]4	17	4	–	–	–	–	–	204	21
Cornwall	1862	154	16	112	[f]3	14	–	–	–	–	–	–	282	17
Cheshire	1850	154	16	112	3	14	–	–	–	–	–	–	282	17
Cardigan	1850	154	16	112	3	14	–	–	–	–	–	–	282	17
Carnarvon	–	154	16	112	3	14	–	–	–	–	–	–	282	17
Cambridge	–	154	16	112	3	14	–	–	–	–	–	–	282	17
Denbigh	–	168	–	112	–	14	–	–	4	–	–	–	284	14
Devon	1851	154	16	112	3	14	–	–	–	–	–	–	282	17
Derby	1860	154	9	112	[g]4	17½	–	–	–	–	–	–	275	21½
Dorset	1850	172	[h]	32	6	14	9	–	–	–	–	–	213	20
Durham	–	168	16	88	[i]3	14	–	–	–	–	–	–	272	17
Essex	1850	154	16	112	3	14	–	–	–	–	–	–	282	17
Flint	–	168	6	–	–	7	–	–	–	7	31½	–	205½	14
Glamorgan	1859	168	12	112	[k]4	14	–	–	–	–	–	–	292	18
Gloucester	1851	168	21	112	[l]	14	–	–	–	–	–	–	301	14
Hereford	1843	126	16	112	3	14	–	–	–	–	–	–	254	17
Hampshire	–	168	12	48	[m]3	14	3	–	–	–	–	–	231	17
Hertford	1850	154	16	112	3	14	–	–	–	–	–	–	282	17
Huntingdon	1849	[n]217	12	104	2	14	–	–	–	–	–	–	333	16
Kent	–	154	16	112	3	14	–	–	–	–	–	–	282	17
Lancashire	–	154	16	112	3	14	–	–	–	–	–	–	282	17
Leicester	–	126	16	112	3	14	–	–	–	–	–	–	254	17
Lincoln	–	168	12	32	3	14	–	–	–	–	–	–	212	17
Middlesex	–	139½	24	32	4½	14	–	–	–	–	–	–	195½	18½
Montgomery	1854	168	8	64	3	14	–	–	–	–	–	–	240	17
Northumberland	1850	36	12	96	3	14	–	–	–	–	–	16	160	17
Norwich	1850	154	16	112	3	14	–	–	–	–	–	–	282	17
Nottingham	1857	154	16	112	3	14	–	–	–	–	–	–	282	17
Northampton	–	154	16	112	3	14	–	–	–	–	–	–	282	17
Oxford	1852	154	16	112	3	14 tea and gruel.	–	–	–	–	–	–	282	17
Pembroke	–	280	–	–	–	38½	–	7	–	–	–	–	287	38½
Radnor	–	126	16	112	3	14	–	–	–	–	–	–	254	17
Rutland	1857	154	16	112	3	14	–	–	–	–	–	–	282	17
Surrey (Horsemonger Lane).	1857	154	16	112	3	14	–	–	–	–	–	–	282	17
Stafford	1852	154	16	112	3	14	–	–	–	–	–	–	282	17
Suffolk (Bury St. Edmunds).	1849	154	16	112	3	14	–	–	–	–	–	–	282	17
Sussex (Lewes)	–	168	–	112	[o]7	14	–	–	–	–	–	–	280	21
Shropshire	1850	154	16	112	3	14	–	–	–	–	–	–	282	17
Wiltshire (Salisbury)	1860	168	–	112	[p]7	14	–	–	–	–	–	–	280	21
Westmoreland	1862	44	9	96	3	–	–	–	–	5¾	70	–	219	8¾
Worcester	–	154	16	112	3	14	–	–	–	–	–	–	282	17
Warwick	–	154	16	112	3 or stew	14 milk and gruel.	–	–	–	–	–	–	282	17
York	–	140	15	64	3	14	–	–	–	–	–	–	222	14
50 Gaols.												50)	13,385	869¼
													267	17

[a] The soup is made of the liquor in which the meat was boiled the previous days, with about 3 oz. of meat added for each pint of soup; 3 oz. cooked meat also supplied to each prisoner, so that on soup days each has nearly 6 oz. meat.

[b] No particulars of ingredients for soup.

[c] Gruel seasoned with salt; no molasses or sugar.

As Berks.

[d] Weight of meat, uncooked.

All convicted prisoners, for the first seven days (18 oz. bread only).

[e] The soup contains only 3 oz. uncooked meat to each quart.

[f] Soup, 2 oz. raw meat; gruel seasoned with salt; no molasses, sugar, or cocoa.

No cocoa, molasses or sugar.

Same as Cornwall.

[g] Soup, only 1 oz. (supposed raw) meat to each pint; cocoa recently substituted for gruel for periods exceeding three months.

[h] No meat except in soup; no cocoa, molasses, or sugar.

[i] Soup made of 4 oz. uncooked meat; no cocoa, molasses, or sugar.

[k] Soup, 3 oz. (supposed raw) meat; gruel seasoned with salt; no cocoa, molasses, or sugar.

[l] No soup, cocoa, molasses or sugar: 1 oz. cheese for supper on Sundays in lieu of gruel, to allow cooks to attend Divine service.

[m] Soup, 4 oz. uncooked meat; alternately pease soup.

No cocoa, molasses or sugar.

[n] 63 oz. more bread per week than Somerset, but 13 oz. less meat, 8 oz. less potatoes, 1 pint less soup.

All prisoners exceeding two months, more soup, but less meat, bread and potatoes than Somerset.

Considerably less than Somerset.

About to be altered.

[o] Soup contains 3 oz. uncooked meat; no cocoa, molasses, or sugar.

Gruel seasoned with salt.

[p] Soup contains 3 oz. uncooked meat; no cocoa, molasses, or sugar.

Appears the latest dietary certified, and one of the lowest.

Sugar and molasses discontinued.

Soup made from liquor of previous day (stew, 3 oz. cooked meat.)

Somerset County Gaol, Taunton.

Wm. Oakley, Governor.

Appendix F.

RETURN showing Comparison of

Five Years of Treadwheel and Oakum-picking Labour for Prisoners.			With Five Years of useful Employment to a limited Extent.		
YEARS.	Number of Prisoners.	Number of Re-committals.	YEARS.	Number of Prisoners.	Number of Re-committals.
1852 - - -	765	284	1857 - -	625	143
1853 - - -	749	258	1858 - -	600	103
1854 - - -	786	232	1859 - -	602	172
1855 - - -	756	186	1860 - -	584	143
1856 - - -	646	176	1861 - -	708	167
	5)3,702	5)1,136		5)3,119	5)728
	740	227		623	145

Appendix G.

PAPER delivered in by *William Golden Lumley*, Esq., 24 April 1863.

Appendix G.

Poor Law Commission Office, Somerset House,
Sir, 4 December 1835.

The following Dietaries, numbered 1, 2, 3, 4, and 5, have been used in different parts of England, and all of them have been proved to be sufficient in quantity, and perfectly unexceptionable as to the nature of the provisions specified in each.

These Dietaries are now offered to Boards of Guardians, to select from them that one which appears to be the best adapted for each particular Union.

In making this selection, especial reference must be had to the usual mode of living of the independent labourers of the district in which the Union is situated, and on no account must the Dietary of the workhouse be superior, or equal to, the ordinary mode of subsistence of the labouring classes of the neighbourhood.

Want of attention to this essential point has been the cause of much evil, by too frequently exhibiting the pauper inmates of a workhouse as fed, lodged, and clothed, in a way superior to individuals subsisting by their own honest industry, thereby lessening the stimulus to exertion, and holding out an inducement to idle and improvident habits.

The Board of Guardians, after they have made a selection of the Dietary most suitable to the particular circumstances of their Union, will notify the fact to the Poor Law Commissioners, specifying the number of the Dietary so selected, and the Commissioners will then issue the same under seal, and thus render its observance imperative.

By Order of the Board,

Edwin Chadwick, Secretary.

To the Clerk of the Board of Guardians,
of the Union.

No. 1.—Dietary for Able-bodied Men and Women.

		BREAKFAST.		DINNER.				SUPPER.		
		Bread.	Gruel.	Cooked Meat.	Potatoes.	Soup.	Suet, or Rice Pudding.	Bread.	Cheese.	Broth.
		Oz.	*Pints.*	*Oz.*	*Lb.*	*Pints.*	*Oz.*	*Oz.*	*Oz.*	*Pints.*
Sunday	Men	6	1½	5	⅓	–	–	6	–	1½
	Women	5	1½	5	⅓	–	–	5	–	1½
Monday	Men	6	1½	–	–	1½	–	6	2	–
	Women	5	1½	–	–	1½	–	5	2	–
Tuesday	Men	6	1½	5	⅓	–	–	6	–	1½
	Women	5	1½	5	½	–	–	5	–	1½
Wednesday	Men	6	1½	–	–	1½	–	6	2	–
	Women	5	1½	–	–	1½	–	5	2	–
Thursday	Men	6	1½	5	⅓	–	–	6	–	1½
	Women	5	1½	5	½	–	–	5	–	1½
Friday	Men	6	1½	–	–	–	14	6	2	–
	Women	5	1½	–	–	–	12	5	2	–
Saturday	Men	6	1½	–	–	1½	–	6	2	–
	Women	5	1½	–	–	1½	–	5	2	–

Old people, of 60 years of age and upwards, may be allowed 1 oz. of tea, 7 oz. of butter, and 8 oz. of sugar per week, in lieu of gruel for breakfast, if deemed expedient to make this change.

Children, under nine years of age, to be dieted at discretion; above nine, to be allowed the same quantities as women.

Sick to be dieted as directed by the medical officer.

No. 2.—General Dietary for the Able-bodied.

		BREAKFAST.			DINNER.				SUPPER.		
		Bread.	Cheese.	Butter.	Meat Pudding, with Vegetables.*	Suet Pudding, with Vegetables.*	Bread.	Cheese.	Bread.	Cheese.	Butter.
		Oz.	*Oz.*	*Oz.*	*Oz.*	*Oz.*	*Oz.*	*Oz.*	*Oz.*	*Oz.*	*Oz.*
Sunday	Men	6	1	–	16	– –	–	–	6	1	–
	Women	5	–	½	10	– –	–	–	5	–	½
Monday	Men	6	1	–	– –	– –	7	1	6	1	–
	Women	5	–	½	– –	– –	7	1	5	–	½
Tuesday	Men	6	1	–	– –	16	–	–	6	1	–
	Women	5	–	½	– –	10	–	–	5	–	½
Wednesday	Men	6	1	–	– –	– –	7	1	6	1	–
	Women	5	–	½	– –	– –	7	1	5	–	½
Thursday	Men	6	1	–	– –	– –	7	1	6	1	–
	Women	5	–	½	– –	– –	7	1	5	–	½
Friday	Men	6	1	–	– –	16	–	–	6	1	–
	Women	5	–	½	– –	10	–	–	5	–	½
Saturday	Men	6	1	–	– –	– –	7	1	6	1	–
	Women	5	–	½	– –	– –	7	1	5	–	½

Old people, being all 60 years of age, and upwards.—The weekly addition of 1 oz. of tea, and milk, also an additional meat pudding dinner on Thursday in each week, in lieu of bread and cheese, for those whose age and infirmities it may be deemed proper and requisite.

Children.—Bread and milk for their breakfast and supper, or gruel when milk cannot be obtained; also such proportions of the dinner diet as may be requisite for their respective ages.

Sick.—Whatever is ordered for them by the medical officer.

* The vegetables are extra, and not included in the weight specified.

No. 3.—Dietary for Able-bodied Persons above Nine Years of Age.

		BREAKFAST.		DINNER.					SUPPER.	
		Bread.	Gruel.	Cooked Meat.	Vegetables.	Soup.	Bread.	Cheese.	Bread.	Cheese.
		Oz.	*Pints.*	*Oz.*	*Lb.*	*Pints.*	*Oz*	*Oz.*	*Oz.*	*Oz.*
Sunday	Men	6	1½	–	–	–	7	2	6	1½
	Women	5	1½	–	–	–	6	1½	5	1½
Monday	Men	6	1½	–	–	–	7	2	6	1½
	Women	5	1½	–	–	–	6	1½	5	1½
Tuesday	Men	6	1½	8	½	–	–	–	6	1½
	Women	5	1½	6	½	–	–	–	5	1½
Wednesday	Men	6	1½	–	–	–	7	2	6	1½
	Women	5	1½	–	–	–	6	1½	5	1½
Thursday	Men	6	1½	–	–	1½	–	–	6	1½
	Women	5	1½	–	–	1½	–	–	5	1½
Friday	Men	6	1½	–	–	–	7	2	6	1½
	Women	5	1½	–	–	–	6	1½	5	1½
Saturday	Men	6	1½	Bacon. 5	½	–	–	–	6	1½
	Women	5	1½	4	½	–	–	–	5	1½

Old people, of 60 years of age and upwards, may be allowed 1 oz. of tea, 7 oz. of butter, and 8 oz. of sugar per week, in lieu of gruel for breakfast, if deemed expedient to make this change.

Children under nine years of age to be dieted at discretion; above nine, to be allowed the same quantities as women.

Sick to be dieted as directed by the medical officer.

No. 4.—Dietary for Able-bodied Paupers of both Sexes.

		BREAKFAST.		DINNER.					SUPPER.	
		Bread.	Gruel.	Pickled Pork, or Bacon, with Vegetables.	Soup.	Bread.	Meat Pudding with Vegetables.	Rice, or Suet Pudding, with Vegetables.	Bread.	Cheese.
		Oz.	*Pints.*	*Oz.*	*Qt. pts.*	*Oz.*	*Oz.*	*Oz.*	*Oz.*	*Oz.*
Sunday	Men	6	1½	–	1 0	4	–	–	6	2
	Women	5	1½	–	0 1½	3	–	–	5	2
Monday	Men	6	1½	–	–	–	–	12	6	2
	Women	5	1½	–	–	–	–	10	5	2
Tuesday	Men	6	1½	–	1 0	4	–	–	6	2
	Women	5	1½	–	0 1½	3	–	–	5	2
Wednesday	Men	6	1½	6	–	–	–	–	6	2
	Women	5	1½	5	–	–	–	–	5	2
Thursday	Men	6	1½	–	–	–	–	12	6	2
	Women	5	1½	–	–	–	–	10	5	2
Friday	Men	6	1½	–	1 0	4	–	–	6	2
	Women	5	1½	–	0 1½	3	–	–	5	2
Saturday	Men	6	1½	–	–	–	12	–	6	2
	Women	5	1½	–	–	–	10	–	5	2

The vegetables are not included in the weight specified, which is for the meat when cooked. If it be thought desirable, 1 oz. of butter may be given in lieu of the 2 oz. of cheese for supper.

Old people of 60 years of age, and upwards, may be allowed 1 oz. of tea, 7 oz. of butter, and 8 oz. of sugar per week, in lieu of gruel for breakfast, if deemed expedient to make this change.

Children under nine years of age to be dieted at discretion; above nine, to be allowed the same quantities as women.

Sick to be dieted as directed by the medical officer.

No. 5.—Dietary for Able-bodied Paupers, both Men and Women.

	BREAKFAST.	DINNER.	SUPPER.
Sunday	Pint and half of gruel or porridge.	5 oz. cooked meat, ¾ lb. vegetable.	Bread and 1½ oz. cheese.
Monday	ditto	Pint and half of soup	¾ lb. potatoes.
Tuesday	ditto	14 oz. boiled rice or suet pudding.	Bread and 1½ oz. cheese.
Wednesday	ditto	Bread 6 oz., and 2 oz. cheese	¾ lb. potatoes.
Thursday	ditto	5 oz. cooked meat, ¾ lb. vegetable.	Bread and 1½ oz. cheese.
Friday	ditto	Pint and half of soup	¾ lb. potatoes.
Saturday	ditto	Bread 6 oz., and 2 oz. cheese	ditto.

Men - - 12 oz. bread per day.
Women - - 10 „ „

Dietary for the Aged and Infirm Men and Women.

	BREAKFAST.	DINNER.			SUPPER.
	Tea or Coffee.	Meat, with Vegetables at Discretion.	Pudding.	Rice Milk or Soup.	Tea or Coffee.
	Pints.	*Oz.*	*Oz.*	*Pints.*	*Pints.*
Sunday	1	4	-	-	1
Monday	1	-	-	1	1
Tuesday	1	4	-	-	1
Wednesday	1	-	-	1	1
Thursday	1	4	-	-	1
Friday	1	-	-	1	1
Saturday	1	-	12	-	1
Total	7	12	12	3	7

Bread, 10 oz. per day.
Butter 7 „ per week.
Sugar 8 „ ditto.

Children, under nine years of age, to be dieted at discretion: above nine, to be allowed the same quantities as women.

Sick - - - - To be dieted as directed by the medical officer.

Appendix H.

Appendix H.

AMENDED TABLE of Dietaries for Prisoners in Norwich Castle.

The following are the prescribed Rates of Diet:—

Class 1.

Convicted Prisoners, confined for any term not exceeding Seven Days.

	Males.		*Females.*	
Breakfast	Oatmeal gruel	1 pint	Oatmeal gruel	1 pint.
Dinner	Bread	1 lb.	Bread	1 lb.
Supper	Oatmeal gruel	1 pint	Oatmeal gruel	1 pint.

Class 2.

Convicted Prisoners for any term exceeding Seven Days, but not exceeding Twenty-one Days.

	Males.		*Females.*	
Breakfast	Oatmeal gruel	1 pint	Oatmeal gruel	1 pint.
„	Bread	6 oz.	Bread	6 oz.
Dinner	Bread	12 oz.	Bread	6 oz.
Supper	Oatmeal gruel	1 pint	Oatmeal gruel	1 pint.
„	Bread	6 oz.	Bread	6 oz.

Prisoners of this class employed at Hard Labour, to have, in addition, 1 pint of soup per week.

Class 3.

Convicted Prisoners employed at Hard Labour, for terms exceeding Twenty-one Days, but not more than Six Weeks; and Convicted Prisoners not employed at Hard Labour, for terms exceeding Twenty-one Days, but not more than Four Months.

	Males.		*Females.*	
Breakfast	Oatmeal gruel	1 pint	Oatmeal gruel	1 pint.
„	Bread	6 oz.	Bread	6 oz.
	Sunday and Thursday.			
Dinner	Soup	1 pint	Soup	1 pint.
„	Bread	8 oz.	Bread	6 oz.
	Tuesday and Saturday.			
„	Cooked meat, without bone	3 oz.	Cooked meat, without bone	3 oz.
„	Bread	8 oz.	Bread	6 oz.
„	Potatoes	½ lb.	Potatoes	½ lb.
	Monday, Wednesday, and Friday.			
„	Bread	8 oz.	Bread	6 oz.
„	Potatoes	1 lb.	Potatoes	1 lb.
Supper	Same as breakfast		Same as breakfast.	

TABLE of DIETARIES for Prisoners in NORWICH CASTLE—*continued.*

CLASS 4.

Convicted Prisoners employed at Hard Labour, for terms exceeding Six Weeks, but not more than Four Months; and Convicted Prisoners not employed at Hard Labour, for terms exceeding Four Months.

	Males.	*Females.*
Breakfast	Oatmeal gruel - - 1 pint	Oatmeal gruel - - 1 pint.
„	Bread - - - - 8 oz.	Bread - - - 6 oz.
	Monday, Tuesday, Thursday, and Saturday.	
Dinner	Cooked meat, without bone - 3 oz.	Cooked meat, without bone 3 oz.
„	Potatoes - - - - ½ lb.	Potatoes - - - - ½ lb.
„	Bread - - - - 8 oz.	Bread - - - - 6 oz.
	Sunday, Wednesday, and Friday.	
„	Soup - - - - 1 pint	Soup - - - - 1 pint.
„	Bread - - - - 8 oz.	Bread - - - 6 oz.
Supper	Same as breakfast - - - -	Same as breakfast.

CLASS 5.

Convicted Prisoners employed at Hard Labour, for terms exceeding Four Months.

Monday, Tuesday, Thursday, and Saturday.

	Males.	*Females.*
Breakfast	Oatmeal gruel - - 1 pint	Oatmeal gruel - - 1 pint.
„	Bread - - - - 8 oz.	Bread - - - 6 oz.
Dinner	Cooked meat, without bone 4 oz.	Cooked meat, without bone 3 oz.
„	Potatoes - - - 1 lb.	Potatoes - - - ½ lb.
„	Bread - - - - 6 oz.	Bread - - - 6 oz.
	Sunday, Wednesday, and Friday.	
Breakfast	Cocoa - - - - 1 pint made of ¾ oz. of flaked cocoa or cocoa nibs, sweetened with ¾ oz. of molasses or sugar.	Cocoa - - - 1 pint made of ¼ oz. of flaked cocoa or cocoa nibs, sweetened with ⅜ oz. of molasses or sugar.
„	Bread - - - - 8 oz.	Bread - - - 6 oz.
Dinner	Soup - - - - 1 pint	Soup - - - 1 pint.
„	Potatoes - - - 1 lb.	Potatoes - - - ½ lb.
„	Bread - - - - 6 oz.	Bread - - - 6 oz.
Supper	Oatmeal gruel - - 1 pint	Oatmeal gruel - - 1 pint.
„	Bread - - - - 8 oz.	Bread - - - 6 oz.

CLASS 6.

Prisoners sentenced by Court to Solitary Confinement.

Males.	*Females.*
The ordinary diet of their respective classes.	The ordinary diet of their respective classes.

CLASS 7.

Prisoners for Examination, before Trial, and Misdemeanants of the first division, who do not maintain themselves.

Males.	*Females.*
The same as Class 4.	The same as Class 4.

Appendix H.

TABLE of DIETARIES for Prisoners in NORWICH CASTLE—*continued.*

CLASS 8.

Destitute Debtors.

Males.	*Females.*
The same as Class 4.	The same as Class 4.

CLASS 9.

Prisoners under punishment for Prison Offences, for terms not exceeding Three Days.

1 lb. of bread per diem.

Prisoners in Close Confinement for Prison Offences under the Provisions of the 42d section of the Gaol Act.

	Males.		*Females.*	
Breakfast	Oatmeal gruel	1 pint	Oatmeal gruel	1 pint.
„	Bread	8 oz.	Bread	6 oz.
Dinner	Bread	8 oz.	Bread	6 oz.
Supper	Oatmeal gruel	1 pint	Oatmeal gruel	1 pint.
„	Bread	8 oz.	Bread	6 oz.

Note.—The soup to contain, per pint, 3 ounces of cooked meat, without bone, 3 ounces of potatoes, one ounce of barley, rice, or oatmeal, and one ounce of onions or leeks, with pepper and salt. The gruel to contain two ounces of oatmeal per pint. The gruel, on alternate days, to be sweetened with $\frac{3}{4}$ oz. of molasses or sugar, and seasoned with salt. In seasons when the potato crop has failed, four ounces of split peas, made into a pudding, may be occasionally substituted; but the change must not be made more than twice in each week. Boys under 14 years of age to be placed on the same diet as females.

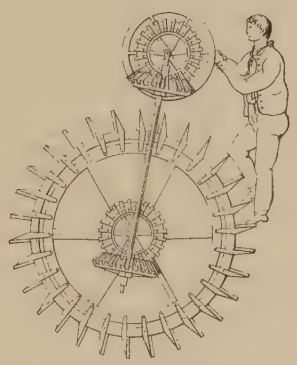
10 December 1849.

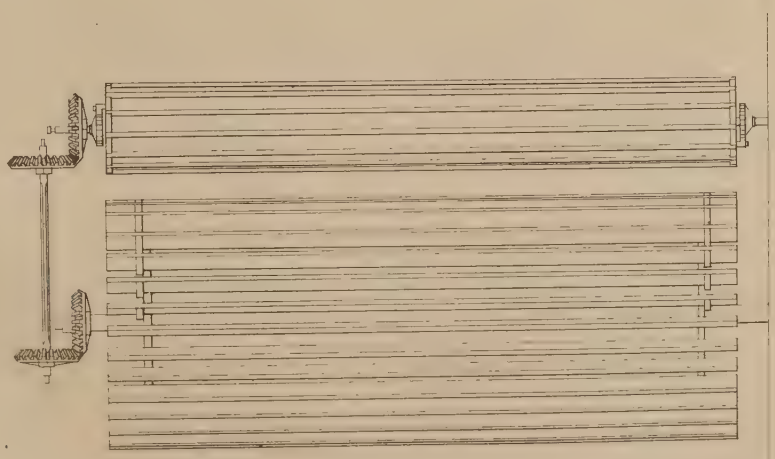
This Dietary having been submitted to me, I hereby certify the same as proper to be adopted in the Gaol for the county of Norfolk.

Whitehall, 27 April 1850. *G. Grey.*

Appendix. 1.

SECTION OF THE TREADWHEEL IN USE IN PETWORTH GAOL, DELIVERED IN BY W. LINTON, ESQ., 30 APRIL 1863.





(37.) Ordered to be printed 12th March 1863.
Henry Hansard Printer

Appendix K.

PAPER furnished by *James Anthony Gardner*, Esq.

HER MAJESTY'S GAOL, BRISTOL.

Description of a Person giving the Name of *A. B. C.*

Age _____ *Weight* _____

Hair _____ *Height* _____

Eyes _____ *Trade* _____

Face _____ *Religion* _____

Nose _____ *Born* _____

Eyebrows _____ *Last Residence* _____

Size of Photograph.

General Description and Appearance of Prisoner.

Sir,

Having reason to believe the above-named Prisoner has been previously convicted, you will oblige by informing me, at your earliest convenience, if is known in your neighbourhood; if not, please send on to the undermentioned places.

I am, Sir,
Your obedient Servant,
J. A. Gardner,
Governor.

Route from

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____

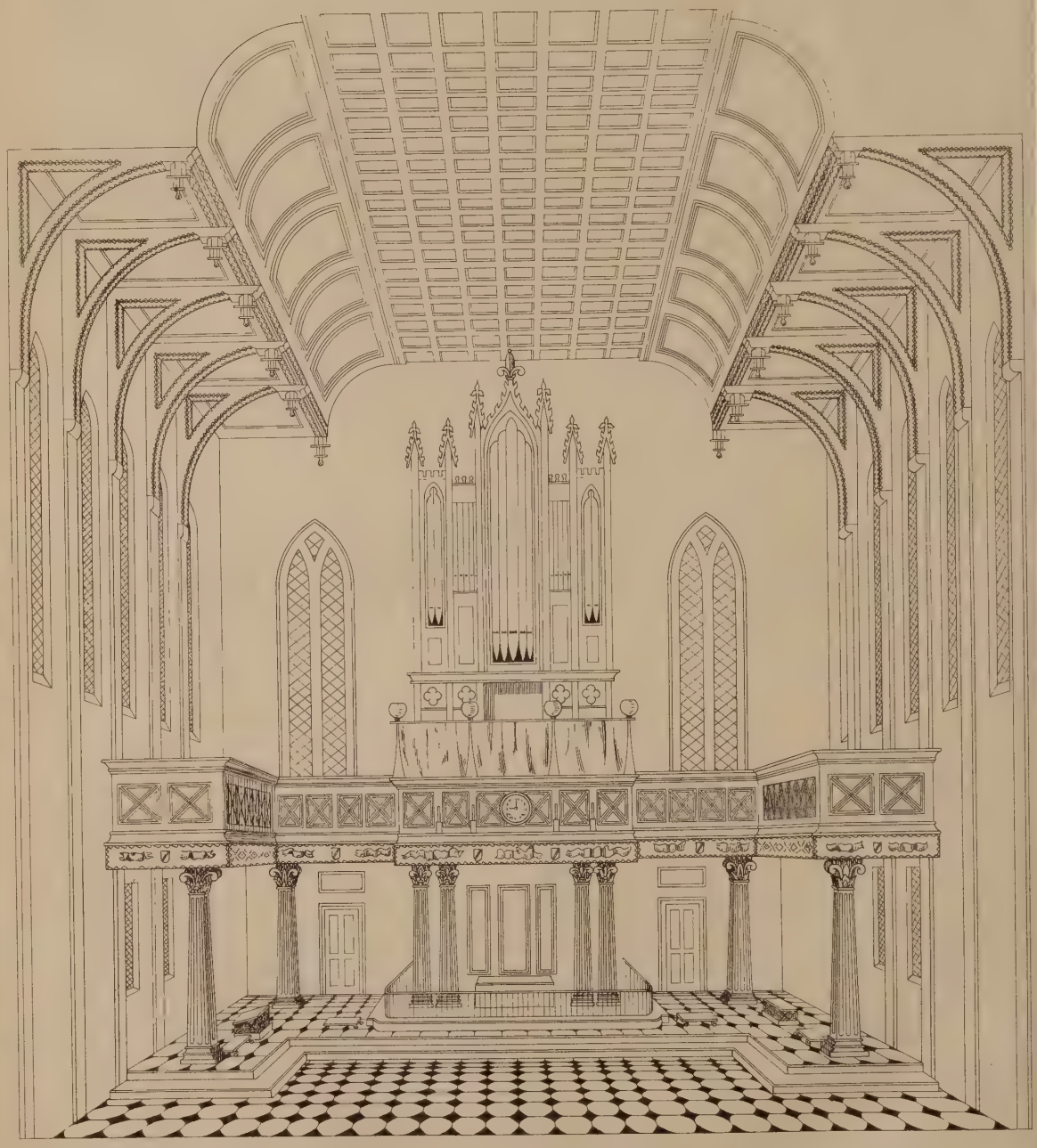
And then return to Bristol.

VIEWS of Her Majesty's Gaol Chapel, Bristol, Designed and Built by the Governor, Mr. Gardner, who Erected the same by the Labour of the Prisoners, and paid the whole Expense of the Building by the proceeds of their Industry.—*See* accompanying Diagram.

H. M. GAOL CHAPEL

DESIGNED AND BUILT BY THE GOVERNOR Mr GARDNER, WHO ERECTED THE SAME

OF THE BUILDING BY THE

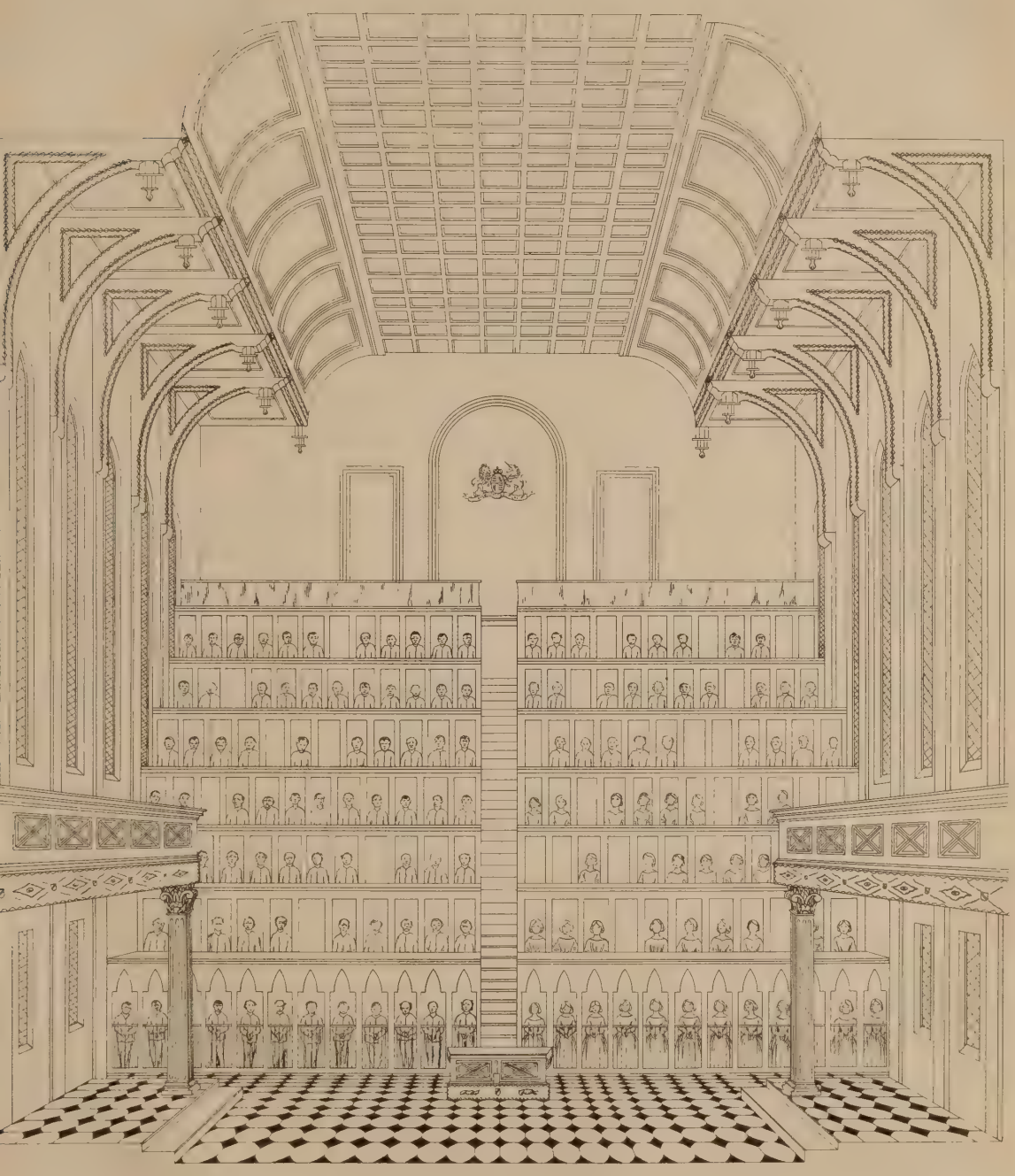


VIEW LOOKING EAST.

BRISTOL.

BY THE LABOUR OF THE PRISONERS, AND PAID THE WHOLE EXPENSE

PROCEEDS OF THEIR INDUSTRY.



VIEW LOOKING WEST.

(37) —Ordered to be printed 12 March 1863.

Henry Hansard, Printer.

Appendix L.

LETTER from Mr. *Charles A. Keene* to the Right Hon. the Earl of *Carnarvon*.

My Lord, Borough Gaol, Leeds, 5 May 1863.

I beg leave respectfully to enclose a copy of the Diet Table in use in this prison, and to direct your Lordship's attention to the rule marked with a cross. I would also inform your Lordship, that the number of prisoners who were in receipt of extra diet on the 2d May inst. was six males and one female; viz.—

4 males receiving 4 oz. of bread extra per diem.
1 - ditto - 5th class diet, in lieu of 3d class.
1 - ditto - 4th - ditto - 3d class.
1 female receiving 4th - ditto - 3d class.

All the prisoners having lost upwards of 6 lbs in their weight.

I have, &c.
Charles A. Keene, Governor.

DIETARY—LEEDS BOROUGH GAOL, 1859.

Class.	Breakfast.	Dinners.							Suppers.
	Each Morning.	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Each Evening.
1	Gruel, 1 pint.	Bread, 16 oz.	Bread 16 oz.	Bread, 16 oz.	Bread, 16 oz.	Bread, 16 oz.	Bread, 16 oz.	Bread, 16 oz.	Gruel, 1 pint.
2	Bread, 6 oz., Gruel, 1 pint.	Bread, 8 oz., Rice, 6 oz., Treacle, 1 oz.	Bread, 12 oz.	Flour pudding, Treacle, 1 oz.	Bread, 4 oz., Gruel, 1½ pint.	Bread, 8 oz., Rice, 6 oz., Treacle, 1 oz.	Bread, 4 oz., Pease soup, 1 pint.	Flour pudding, Treacle, 1 oz.	Bread, 6 oz., Gruel, 1 pint.
3	Bread, 6 oz., Gruel, 1 pint.	Bread, 4 oz., Cooked meat, 3 oz., Rice, 6 oz., Treacle, 1 oz.	Bread, 8 oz., Soup, 1 pint.	Bread, 4 oz., Flour pudding, Treacle, 1 oz.	Bread, 4 oz., Irish stew, 1 pint.	Bread, 4 oz., Cooked meat, 3 oz., Rice, 6 oz., Treacle, 1 oz.	Bread, 4 oz., Pease soup, 1 pint.	Bread, 4 oz., Irish stew, 1 pint.	Bread, 6 oz., Gruel, 1 pint.
4	Bread, 8 oz., Gruel, 1 pint.	Bread, 4 oz., Cooked meat, 3 oz., Rice, 6 oz., Treacle, 1 oz.	Bread, 8 oz., Soup, 1 pint.	Bread, 4 oz., Cooked meat, 3 oz. Potatoes, 16 oz.	Bread, 6 oz., Irish stew, 1 pint.	Bread, 4 oz., Cooked meat, 3 oz., Rice, 6 oz., Treacle, 1 oz.	Bread, 6 oz., Pease soup, 1 pint.	Bread, 6 oz., Irish stew, 1 pint.	Bread, 8 oz., Gruel, 1 pint.
5	Bread, 8 oz., Gruel, 1 pint.	Bread, 4 oz. Cooked meat, 4 oz., Rice, 6 oz., Treacle, 1 oz.	Bread, 4 oz., Cooked meat, 4 oz. Potatoes, 8 oz., Soup, ½ pint.	Bread, 4 oz., Cooked meat, 4 oz., Potatoes, 16 oz.	Bread, 8 oz., Irish stew, 1 pint.	Bread, 4 oz., Cooked meat, 4 oz., Rice, 6 oz., Treacle, 1 oz.	Bread, 4 oz., Cooked meat, 4 oz., Potatoes, 8 oz. Pease soup, ½ pt.	Bread, 8 oz., Irish stew, 1 pint.	Bread, 8 oz., Cocoa, 1 pt.

	Terms of Imprisonment.	Remarks.
1	Not exceeding seven days.	
2	Exceeding seven days and not exceeding one month - - -	Females, and boys under 14, of these classes to have 2 oz. bread less per day. All prisoners of these classes employed at hard labour to have 4 oz. cooked meat and 1 lb. potatoes in place of flour pudding on Tuesday.
3	Exceeding one month and not exceeding three months—Prisoners for trial and for examination, and deserters awaiting an escort -	
4	Exceeding three months and not exceeding six months - -	Females, and boys under 14, to have 2 oz. bread less per day.
5	Prisoners who have completed six months of their sentence in prison, and those under sentence of penal servitude.	

× All prisoners committed for longer terms of imprisonment than three months to commence with the Third Class diet, and rise to the several classes as their periods of imprisonment increase.

Gruel to have 2 oz. oatmeal to the pint. Soup made of the liquor from the meat of the previous day, thickened with 1 oz. oatmeal and 4 oz. potatoes or other vegetables to each pint. Pease soup to have 6 oz. peas and 4 oz. carrots per pint, seasoned with mint and other pot herbs.

Irish stew made of 3 oz. cooked meat on the Wednesday, and 4 oz. on Saturday, together with 16 oz. vegetables. Flour pudding, 8 oz. made into 1 quart.

Cocoa to be made of ¾ oz. flaked cocoa and ½ oz. treacle to the pint, with ¼ pint milk.

Appendix M.

PAPER delivered in by *Thomas Harpur Colvill*, Esq., 7 May 1863.

MIDDLESEX.

HOUSE OF CORRECTION, COLDBATH FIELDS.

Dietary Table.

Male Prisoners.

DAYS.	FIRST CLASS. All Prisoners whose terms of Imprisonment exceed Two Months.								SECOND CLASS. All Prisoners whose terms of Imprisonment exceed 14 Days, and do not exceed 2 Months.										THIRD CLASS. Fourteen Days and under.					
	Breakfast.		*Dinner.*				*Supper.*		*Breakfast.*		*Dinner.*					*Supper.*			*Breakfast.*		*Dinner.*		*Supper.*	
	Bread.	Cocoa.	Bread.	Meat.	Potatoes.	Soup.	Bread.	Gruel.	Bread.	Gruel.	Bread.	Meat.	Potatoes.	Soup.	Gruel.	Bread.	Gruel.		Bread.	Gruel.	Bread.	Gruel.	Bread.	Gruel.
	Oz.	*Pint.*	*Oz.*	*Oz.*	*Oz.*	*Pint.*	*Oz.*	*Pint.*	*Oz.*	*Pint.*	*Oz.*	*Oz.*	*Oz.*	*Pint.*	*Pint.*	*Oz.*	*Pint.*		*Oz.*	*Pint.*	*Oz.*	*Pint.*	*Oz.*	*Pint.*
Monday -	6⅔	1	6⅔	6	8	–	6⅔	1	6⅔	1	6⅔	–	–	–	1	6⅔	½		6⅔	1	6⅔	1	6⅔	½
Tuesday -	6⅔	1	6⅔	6	8	–	6⅔	1	6⅔	1	6⅔	6	8	–	–	6⅔	½		6⅔	1	6⅔	1	6⅔	½
Wednesday	6⅔	1	6⅔	–	–	1½	6⅔	1	6⅔	1	6⅔	–	–	1	–	6⅔	½		6⅔	1	6⅔	1	6⅔	½
Thursday -	6⅔	1	6⅔	6	8	–	6⅔	1	6⅔	1	6⅔	–	–	–	1	6⅔	½		6⅔	1	6⅔	1	6⅔	½
Friday -	6⅔	1	6⅔	–	–	1½	6⅔	1	6⅔	1	6⅔	–	–	–	1	6⅔	½		6⅔	1	6⅔	1	6⅔	½
Saturday -	6⅔	1	6⅔	6	8	–	6⅔	1	6⅔	1	6⅔	6	8	–	–	6⅔	½		6⅔	1	6⅔	1	6⅔	½
Sunday -	6⅔	1	6⅔	–	–	1½	6⅔	1	6⅔	1	6⅔	–	–	1	–	6⅔	½		6⅔	1	6⅔	1	6⅔	½
Total - -	46⅔	7	46⅔	24	32	4½	46⅔	7	46⅔	7	46⅔	12	16	2	3	46⅔	3½		46⅔	7	46⅔	7	46⅔	3½

Boys under 16 have only 5⅓ ozs. of bread each meal.

Appendix N.

PAPERS furnished by *Edward Smith*, Esq., M.D., LL.B., F.R.S.

ANALYSIS OF REPLIES.

Tread-wheel labour, the sole punishment in $\frac{8}{64}$ gaols: viz. Northallerton, Warwick, Rutland, Walsingham, Spilsby, Canterbury, Huntingdon, and Cornwall.

With other punishments, in $\frac{35}{64}$.

Productive, in $\frac{13}{64}$, so far as stated.

Crank, alone, in 3, as a hard-labour crank or pump.
With treadwheel labour, 20, used as pumps.
With other labour, 14.
As hand grinding mills, 3.
Women work them, 1—Carlisle.

Shot drill, 2.

Thus, $\frac{56}{64}$ some instrument of punishment.

Oakum-picking, 27.

Trades, 40.
Both associated, 23.

Trades, repairs of buildings and clothing, making clothing, mats, rugs, matting, ropes, shoes and linen, hair-picking, tarring.

Stone-breaking, exclusively, 1—Flint.
With other occupation, 10—Pembroke, Montgomery, Swansea, Cardigan, Brecon, Stafford, Somerset, Monmouth, Kirton-in-Lindsey, Cumberland.

Pounding gypsum, and grinding pepper, rice, &c., 1—Abingdon.

These trades, without hard-labour instruments (or nearly so), 6—Durham, Tynemouth, Ipswich, Wakefield, Anglesey, and Flint.

Earnestly seek to make them remunerative—Durham, Wakefield, &c.

Hard labour, carried out by instruction—Reading, 1.

Plan pursued.

Treadwheel and crank, reserved for short sentences, and manufacturing for long ones—Bedford, 1.
With stone-breaking added to treadwheel and crank—Derby, Northampton, Lewes, 3.
All work treadwheel at first, and then employed in trade—Worcester, Salford and Chester, 3.
All able-bodied work treadwheel and crank, and only others follow trades—Dorset, Maidstone, Louth, Spalding, Southwell, Salop, Somerset, Bury St. Edmund's, Beccles, Beverley, Cardiff, Montgomery, and Pembroke, 13.
Treadwheel for prison offences and incorrigible offenders only—Taunton.
Women work "a light, but wearying pump"—Taunton.
Crank only for second and third offences, refractory paupers, and assaults—Stafford,
Crank for vagrants only—Southwell.

Grinding mill, those unfit to work the treadwheel—Dorset Castle.

Appendix N.

Oakum-picking, is not hard labour, 2—Horsley and Cardiff.
The employment of invalids only—Spalding.
Of all prisoners one hour before breakfast—Taunton.
To old offenders only, and trades for first convictions—Ipswich.
With trades, of all during one part of the day—Salop.
With stone-breaking to those reduced in strength from using the treadwheel and other causes—Cardigan.

Shoemaking and tailoring, only those who had previously learnt them—Beccles.

Repairs of prison, only those of good character—Maidstone.

Hours of Employment.

(Only stated in a few Replies.)

All available hours—Exeter.

Tread-wheel and crank, 1 hour at a time, and 3 hours daily, but required only as exercise—Springfield.

Tread-wheel, ¼ hour on, ¼ hour off, 7½ hours together daily—Coldbath-fields.
12 mins. on, 4 mins. off—New Bailey.
6 „ 6 „ } Canterbury.
to 12 „ 6 „ }
20 „ 10 „ during 10 hours—Falkingham.
5 „ 10 „ during 7½ hours—Northallerton.

Trades worked in separate cells, two hours longer than working the treadwheel—Beverley.

Pumps, 30 mins. on, 5 mins. off, for four hours—Salop.

Oakum-picking, 1 hour in the morning, and 1 hour in evening (7 to 8), with treadwheel, 8 hours during the day—Somerset.

Additional Remarks.

Abingdon - - Treadwheel discontinued 14 years.

Brecon - - Treadwheel just discontinued.

Morpeth - - One of two treadwheels discontinued.

Coldbath-fields - Discontinued cranks; use treadwheel profitably now.

Leicester - - Well satisfied with the treadwheel.

Pembroke - - "The treadwheel is the very best system of hard labour that can be adopted."

Preston - - "I am no advocate for useless crank labour, but for low dietary and stoppages of food for all prison offences; these, combined with education, are, I humbly believe, better for all purposes than that horrid, associated, and villanous 'getting up-stairs.'"

Durham - - Thinks the use of the treadwheel very objectionable; many prisoners are unfit for it, whilst those confined in cells find it a relaxation. He commends the establishment of large district prisons, with land and factories attached, and 12 hours' work continuously, with the exception of one hour for dinner.

Monmouth - - Prisoners do less work and live better than labourers. The term "hard labour" should be exchanged for "compulsory labour."

(Referred to in Q. 1092).

TABULAR ANALYSIS of LETTERS received by Dr. EDWARD SMITH from Governors of County Gaols, 1858.

GAOLS.	1. Treadwheel.				2.	3.	4. Crank Labour.		5.	6.	7.	8.	9.	Plan of Labour, &c.	Remarks made by the Governors.
	Sole Punishment.	With other Punishments.	Productive.	Kind of Work done.	Pumping by what Instrument.	Shot Drill.	—	Productive.	Grinding.	Oakum Picking.	Repairing Prison and Clothing.	Manufactures.	Other Employments.		
Bedford	–	–	–	–	–	1 hour	——	–	–	——	–	Shoes, clothes, mats, linen	–	Nos. 3, 4 and 6, with short sentences. No. 8, with long sentences.	There is a good conduct badge, entitling to a pecuniary reward.
Berks, Reading	–	–	–	–	crank	–	–	–	hand mill	–	–	– – – – –	Instruction	Nos. 2 and 5, occasionally. No. 9, constantly.	
Abingdon	–	–	–	–	crank	–	–	–	hand mill	–	–	– – – – –	–	– – – – – –	Treadwheel has been discontinued 14 years.
Bucks.															
Cambridge.															
Chester Castle Knutsford.	–	–	–	–	——	–	–	–	–	–	–	The prisoner's own trade	–	No. 2, all prisoners at first. No. 8, all afterwards.	
Cornwall, Bodmin	——														
Cumberland	–	——	–	–	–	–	——	–	–	–	–	Mats, stone-breaking	–	No. 4 – – – – –	Females work the crank.
Derby	–	——	–	–	–	–	–	–		–	——	Shoes, clothes, mats, rugs, stone-breaking.	–	No. 1, and stone-breaking, with short, and others with long sentences.	
Devon, Exeter	–	–	–	–	——	–	–	–	–	——	——	As at Derby	–	The labour is exacted at all available hours	Strictly separate system.
Dorset Castle	–	——	——	pumping and grinding goods for sale.	6,000 gallons daily.	–	–	–	hand mill	–	–	– – – – –	——	No. 1, for all able-bodied. No. 5, for the others.	Silence strictly enforced.
Durham	–	–	–	–	–	–	–	–	–	–	–	Clothes, weaving mats, tarring rope.	–	– – – – – –	Chiefly separate. Would prefer district prisons with land and factories work, 12 hours daily. Objects to the treadwheel, since many prisoners are unfit for it, whilst to others it is a relaxation. Their expenses are small.
Essex, Springfield	–	——	——	grinding	separate cranks.	–	–	–	–	–	–	– – – – –	–	One hour at a time; three hours' work daily.	The labour is used only as an exercise.
Ilford	–	——	–	–	–	–	–	–	–	——					
Gloucester County	–	——	not	–	–	–	–	–	–	–	–	Mats, in separate cells.			
Horsley Northleach.	–	——	not	–	–	–	–	–	–	–	–	Shoes, clothes, &c.	–	No. 6, with sentences, without hard labour.	
Hereford	–	–	–	–	–	–	–	–	–	–	–	– – – – –	–	– – – – – –	All labour in separate cells.

TABULAR ANALYSIS of Letters received by Dr. EDWARD SMITH from Governors of County Gaols, 1858—*continued.*

GAOLS.	1. Treadwheel.				2.	3.	4. Crank Labour.		5.	6.	7.	8.	9.		
	Sole Punishment.	With other Punishments.	Productive.	Kind of Work done.	Pumping by what Instrument.	Shot Drill.	—	Productive.	Grinding.	Oakum Picking.	Repairing Prison and Clothing.	Manufactures.	Other Employments.	Plan of Labour, &c.	Remarks made by the Governors.
Hertford County.															
St. Alban's	–	—	—	pumping	–	–	–	–	–	—					
Huntingdon	—	–	—	pumping	–	–	–	–	–	–	–	– – – – –	–	Eight prisoners pumping for the prison use during three hours daily.	Separate Compartment.
Kent, Maidstone	–	—	—	grinding	capstan	–	–	–	–	—	—	Mats, ropes, linen – –	–	No. 1, for all able-bodied prisoners. No. 7, for good behaviour. Nos. 2, 6 and 8, for prisoners not able-bodied.	
Canterbury	—	–	not												
Lancaster Castle	–	–	–	–	cranks and pumps.										
Kirkdale	–	–	–	–	cranks	–	–	–	–	–	–	Mats, shoes, &c.			
Preston.															
Salford	–	—	not	–	–	–	—	–	–	—	–	Mats, &c. – – –	–	All prisoners are employed at the crank during the first two or three weeks, and afterwards at No. 8, during good behaviour.	
Leicester	–	–	–	–	crank	–	–	–	–	–	–	– – – – – –	–	– – – – – – –	Is well satisfied with it.
Lincoln Castle.															
Louth	–	—	–	–	–	–	–	–	–	–	—	– – – – –	–	Nearly all prisoners employed at No. 1.	
Spilsby	—														
Kirton-in-Lindsey	–	—	–	–	–	–	–	–	–	–	—	Mats, rugs, shoes, clothes, stone-breaking.			
Falkingham	–	—	–	–	–	–	–	–	–	–	–	– – – – –	–	Ten hours work daily. Work twenty minutes, rest ten minutes.	
Spalding	–	—	—	grinding	—	–	–	–	–	—	–	Shoes, clothes, &c. – –	–	No. 1, all the able-bodied. No. 2, a few only. No. 6, invalids.	
Middlesex, Cold Bath Fields	–	—	about 1859	grinding	–	—	–	–	–	3 lbs. daily.	—	Shoes, clothes, &c. – –	–	No. 1, $3\frac{3}{4}$ hours of actual labour, fifteen minutes' labour, fifteen minutes' rest. No. 3, one hour daily.	
Westminster.															
Monmouth County	–	—	–	–	–	–	–	–	–	—	–	Stone-breaking – –	–	– – – – – – –	"Hard labour" should be designated "compulsory labour." Prisoners do not work so much as an ordinary labourer.
Usk	–	—	–	–	—	–	–	–	–	—	–	Mats, shoes, clothes, stone-breaking.			
Norfolk Castle.															
Swaffham.															
Walsingham	—														
Northampton	–	—	–	–	–	–	—	grinding	–	—	–	Mats – – – –	–	No. 6, with long sentences. No. 8, after a certain period.	

Northumberland, Morpeth	–	—	—	pumping	–	–	–	–	–	–	–	–	–	Ascend 54 steps per minute	There are two French grinding wheels, but one has not been used during the last three years.
Tynemouth	–	–	–	–	–	–	–	–	–	—	–	Shoes, clothing, mats, hair-picking, &c.	–	Labour from 6 a. m. to 6 p. m., except 1 hour for walking.	The trades are carried on in separate cells, except that of mat-making. They seek to make it pay. It deters tramps.
Alnwick.															
Hexham.															
Nottingham, Southwell	–	—	–	–	–	—	–	–	–	–	–	–	–	No. 1, at all available hours. No. 3, reserved chiefly for vagrants, as there are only four cranks.	
Oxford Castle	–	—	–	–	capstan	–	—	–	–	—	–	–	Instruction.		
Rutland, Oakham.	—														
Salop	–	–	–	–	—	–	–	–	–	—	–	Mats, clothes	–	24 prisoners pump water four hours daily; working thirty minutes, and resting five minutes. Nos. 6 and 8, when not engaged at No. 2.	
Somerset County	–	—	–	–	—	–	–	–	–	—	–	Clothes, stone-breaking	–	No. 6, for all prisoners during one hour before breakfast. Nos. 1 and 2, for some prisoners after breakfast. No. 6, for others from 9 to 1, 2 to 6, and 7 to 8 o'clock.	Locked up at 8¼ p. m.
Taunton	–	—	—	pumping and grinding.	—	–	–	–	–	–	—	Shoes, clothes, flax-dressing	–	No. 1, for incorrigible offenders and prison offences. No. 2, for women.	The crank for women is light, but wearying.
Southampton, Winchester	–	–	–	–	–	–	—	pumping and grinding.	–	–	–	All useful trades, gardening.			
Stafford	–	—	—	pumping and grinding.	–	–	—	–	–	—	—	Mats, matting, stone-breaking.	–	No. 4, for second and third offences, for paupers, for assaults, &c. No. 1; the prisoners are relieved from this according to their conduct.	The prisoners are chiefly colliers.
Suffolk, Bury St. Edmunds	–	—	–	–	–	–	–	–	–	—	–	Shoes, clothes	–	No. 1 is the chief labour.	
Ipswich	–	–	–	–	–	–	–	–	–	—	—	Shoes, clothes	–	No. 6, for old offenders. No. 8, for first conviction.	The cranks have not been used for three or four years. Oakum picking has deterred from crime. The irregularity of the sentences for repeated offences should be inquired into.
Beccles	–	—	–	–	–	–	–	–	–	—	–	Shoes, clothes	–	No. 1, for nearly all able-bodied. No. 6, for those not able-bodied. No. 8, for prisoners who know those trades.	
Sussex, Petworth	–	—	–	–	–	–	—	–	–	–	–	–	–	Nos. 1 and 4, continuously, when not otherwise employed.	
Lewes	–	–	–	–	–	–	—	–	–	—	–	Shoes, clothes, mats, mops, &c.	–	No. 4, for able-bodied, and short sentences. No. 8, for long sentences.	Crank labour performed in the cells.
Warwick County House of Correction	–	–	—	grinding for hire. –	–	–	wheels	grinding.							
Westmoreland, Appleby.															

TABULAR ANALYSIS of Letters received by Dr. EDWARD SMITH from Governors of County Gaols, 1858—*continued*.

GAOLS.	1. Treadwheel. Sole Punishment.	1. Treadwheel. With other Punishments.	1. Treadwheel. Productive.	1. Treadwheel. Kind of Work done.	2. Pumping by what Instrument.	3. Shot Drill.	4. Crank Labour. —	4. Crank Labour. Productive.	5. Grinding.	6. Oakum Picking.	7. Repairing Prison and Clothing.	8. Manufactures.	9. Other Employments.	Plan of Labour, &c.	Remarks made by the Governors.
Wilts, Salisbury	—	—	—	—	capstan	—	—	grinding	—	—	—	—	—	Duration of labour varies with the length of the day.	
Devises.															
Worcester	—	—	—	pumping and grinding.	—	—	—	—	—	—	—	Shoes, clothes, mats	—	No. 1, in the early, No. 8, in the later period of imprisonment.	In separate cells.
York, Northallerton	—	—	not	—	—	—	—	—	—	—	—	—	—	7½ hours daily; five minutes' labour, ten minutes' rest: therefore only 2½ hours' actual labour.	Locked up from 7 p. m. to 6 a. m.
Beverley	—	—	—	—	—	—	—	—	—	—	—	Various, in certified cells	—	No. 1, all prisoners, if possible. No. 8, work continues two hours longer than at No. 1.	
Wakefield	—	—	—	—	—	—	—	—	—	—	—	Mats and matting.			
Anglesea, Beaumaris	—	—	—	—	—	—	—	—	—	—	—	All the labour is productive.			
Brecon	—	—	—	—	crank	—	—	—	—	—	—	Stone-breaking	—	—	No. 1 is just abandoned. The prisoners work separately.
Cardigan	—	—	—	—	—	—	—	—	—	—	Cleaning	Stone-breaking	—	No. 1, for able prisoners at 14 to 50 years. Nos. 5 and 8, for those reduced in health from continuous employment at No. 1, &c.	
Carmarthen	—	—	—	—	—	—	—	—	—	—	—	Such as are useful in the prison.			
Denbigh, Ruthin.															
Flint Castle	—	—	—	—	—	—	—	—	—	—	—	Stone-breaking and wheeling.			
Glamorgan, Cardiff	—	—	—	—	—	—	—	—	—	—	—	—	—	No. 1 is the chief employment. No. 6, for no-labour sentences, and not able-bodied.	
Swansea	—	—	—	—	—	—	—	—	—	—	—	Stone-breaking, mats, ropes, &c.			
Merioneth, Dolgelly.															
Montgomery	—	—	—	pumping water.	—	—	—	—	—	—	—	Stone-breaking, &c.	—	No. 1, for all the able-bodied. No. 8, for the others.	
Pembroke, Haverfordwest	—	—	—	—	—	—	—	—	—	—	—	Stone-breaking	—	No. 1, for all the able-bodied. Nos. 2, 6 and 8, for the others.	The treadwheel is the very best system of hard labour that can be adopted.
Radnor.															

Appendix N.

By Dr. EDWARD SMITH, F.R.S.

CALCULATION of the quantity of nutritive elements (carbon and nitrogen) afforded by the diet in Military Prisons, as reported on page 12 of "Report on Military Prisons," 1859 and 1860.

ORDINARY.

	Carbon (grains).	Nitrogen (grains).
Oatmeal	1,400	70
Indian meal	1,575	67
Bread	997	45
Milk	819	65
Daily	4,791	247

AFTER 56 Days.

	Carbon (grains).	Nitrogen (grains).
Oatmeal	1,750	87
Indian meal	2,040	90
Bread	997	45
Milk	819	65
Daily	5,606	287

The quantity of carbon and nitrogen eaten by the Lancashire operatives at the present time is 4,588 and 215 grains by the men, 3,758 and 155 grains by the women. The average minimum amount which should be supplied is 4,300 and 200 grains to the men, and one-tenth less to the women.

Appendix O.

House of Correction, Coldbath Fields, 12 May 1863.

[Return showing the Results of Monthly Weighing of Prisoners who had not been weighed for Six Months.

Date.	Number Gained.	Lbs. Gained.	Number Lost.	Lbs. Lost.	Greatest Gain (lbs.)	Greatest Loss (lbs.)	No Change.	Total Weighed.
1863:								
January -	19	131	20	103	18	14	1	40
February -	11	61	23	171	9	19	1	35
March -	19	99	39	310	18	25	3	61
April - -	8	32	31	234	16	19	1	40
May - -	15	82	34	304	14	30	2	51

Thomas H. Colvill, Governor.

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Return of the number of prisoners, omitting debtors and prisoners under examination, for the last ten years, *App.* 485——Total net charge on the county during the same period, *ib.*

Act 4 Geo. 4, c. 64. Recommended repeal of that portion of the Act 4 Geo. 4, c. 64, which authorises a man sentenced to imprisonment without hard labour to provide himself with the prison food without being required to do any work, *Linton* 4318–4333.

Amalgamation of Gaols. Conclusions of the Committee in favour of an amalgamation of the small borough gaols and liberty prisons, and of some of the small county gaols, with the larger prisons, *Rep.* xv, xvi.

Anglesea (County Gaol). Amount of the weekly allowances of bread, meat, potatoes, &c., for male prisoners in the county goal, *App.* 492——Modes of labour or employment of the prisoners, *ib.* 510.

Assaults on Prison Officers. Anomaly at present in the punishment inflicted for the more serious prison offences, such as attempts upon the lives of the warders, *Guy* 3925–3929 —— Recommendation that serious assaults upon the lives of prison officers, or acts of mutiny, be punishable with death, and that prisoners be uniformly indicted for such offences, *ib.* 3925-3930——The offence should be considered the more serious from the fact of its being committed by a prisoner, *ib.* 3929, 3930.

Association of Prisoners. Strong recommendation in favour of an entire abolition of association of prisoners, the evils of the system being incomparably greater than the evils of the separate system, *Perry* 296–328——Instances of contamination and subsequent crime consequent upon association, *ib.* 299–301——Non-interference of the Secretary of State in the matter of the association of prisoners, *Everest* 2308, 2309——Association of the prisoners in the first class in Lewes Gaol, without any evil resulting therefrom, *Luckraft* 2581–2583. 2587, 2588—— Serious mischief arising from the circumstance of association *Bannister* 4366, 4367. 4369.

Strong objection by the Committee to the system of association, or to a mixed system of association and separation, as in many gaols, *Rep.* v.

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B.

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Bristol Gaol:

1. *Adoption of the Separate System in the Gaol.*
2. *Details relative to the General Management and Discipline.*
3. *Chapel Accommodation.*
4. *System of Photographs, as a means of Identification.*
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1. *Adoption of the Separate System in the Gaol:*

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Cornwall County Gaol. Statement of the amount of bread, meat, potatoes, &c. allowed to male prisoners weekly, *App.* 492——Character of the punishment and means of employment of prisoners, *ib.* 507.

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1. *Practice in Convict Prisons.*
2. *Regulations in the case of County Gaols.*
3. *Approval of the Operation and Retention of Corporal Punishment.*
4. *Disapproval of this Means of Punishment.*

1. *Practice in Convict Prisons:*

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3. *Approval of the Operation and Retention of Corporal Punishment*—continued.

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Crank Machines:

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3. *Non-objection to Cranks used for Raising Water.*
4. *Evidence in Approval of the Crank, more especially of the Cellular Crank.*
5. *Extent to which actually in Use as a Means of Punishment.*
6. *Conclusions of the Committee favourable to the Use of the Crank in an Amended Form.*

1. *Disapproval of the Crank as a Mode of Hard Labour.*

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Debtors. With regard to debtors in prisons there is now ample accommodation for them, *Perry* 351, 352——Suggestion as to the expediency of a power to impose labour upon debtors committed to gaol for fraud or disobedience of Orders of Court, *Oakley* 3373–3380.

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Deterrent Influence. The first part of the imprisonment is generally felt most acutely, the men becoming hardened after a time, *Perry* 450–454——Statement as to criminals not taking into account or being deterred by the chances of detection and of punishment, *ib.* 455, 456. 771–776. 781——Opinion that more value is attached to the deterrent effect of punishment than it deserves; grounds for this conclusion considered, *ib.* 694–713. 791–796——Large proportion of prisoners who are not re-committed adverted to, with reference to the question of their being reformed or deterred by prison discipline, *ib* .708–713.

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Inference, from the larger number of re-committals, that the system of prison discipline has not been deterrent or reformatory, *Shepherd* 2886——Expediency of a system of cumulative punishment as a means of deterring from repetition of crime, *ib.* 3127–3142——Discipline recommended for persons committed for periods not exceeding one month, and for those committed for longer periods, with a view to producing deterrent or reformatory effects, *ib.* 3161——Belief that by a more vigorous administration of the criminal law, a considerable reduction may be effected in the number of criminals, *ib.* 3161–3167.

Doubt as to any system of discipline keeping men from prison, although the separate system is doubtless more deterrent and reformatory than the associated system, *Colvill* 4988–4995.

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DIET:

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2. *Great want of Uniformity under the present System.*
3. *Objectionable Character of the Government Scale.*
4. *Extra Diets.*
5. *Military Prisons.*
6. *Naval Gaol at Lewes.*
7. *Workhouses.*
8. *Generally as to the Principles to be Observed as the Basis of a Uniform Dietary for Prisons.*
9. *Importance of a low Diet as an Instrument of Deterrent Effect.*
10. *Defective Assimilation of Food through want of proper Exercise.*
11. *Suggestions by Dr. Smith; Scale proposed.*
12. *Proposition by Dr. Guy for an amended Scale.*
13. *Graduated and fixed Scales proposed by Mr. Shepherd.*
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15. *Other Evidence and Suggestions generally.*
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1. *Practice as to the Adoption of the Government Dietary:*

A dietary is recommended by the Home Office, but not enforced, *Smith* 815——Any scheme of dietary must be sanctioned by the Home Secretary, *ib.*——Adoption by about half the county prisons of the scale of diet recommended by the Home Office, *ib.* 816——Constant communication between the Secretary of State and the visiting justices on the subject of diet, &c., *Everest* 2310-2313. 2342-2347.

2. *Great want of Uniformity under the Present System:*

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Statement showing that great variation exists between the dietaries of different county and borough prisons, *Guy* 3808. 3816-3820. 3912.

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3. *Objectionable Character of the Government Scale:*

Very insufficient character of some classes of the Government dietary, whilst other classes contain more meat than is necessary, *Smith* 884-894. 927, 928——Impropriety of the Government diet for short sentences being used as a punishment, as is now the case, on account of its insufficiency, *ib.* 953-957——Expediency of the lower scale of Government dietary being altered on account of its insufficiency, *ib.* 1078-1081.

Doubt whether the present official diet, as at Leicester, could be safely reduced, *Musson* 1833-1835——The Government dietary, as at Reading Gaol, is monstrously high, more especially for prisoners under sentences exceeding four months, *Merry* 2706. 2716. 2729, 2730——Amount of solid food given weekly to each prisoner in the several classes; excessive amount in Class 5, *ib.* 2718. 2729, 2730——Impropriety of the diet of any class if any class of prisoners being so much in excess, as at Reading, of the diet of labourers, or of men in workhouses, or in military or naval prisons, *ib.* 2729. 2735-2739. 2745-2747. 2759-2763——Witness does not find fault with the 1st and 2d classes, but rather with the higher classes, *ib.* 2747-2749.

The dietary of Bristol Gaol is that recommended by the Secretary of State; and is, in witness's opinion, much too high; it should, in fact, be reduced both in quality and quantity, *Gardner* 3668-3685—— Grounds for the inference as to the diet of class 4 and class 5 in the county prisons being in excess of what is necessary, *Guy* 3724. 3809-3816——Great anomaly in class 3 of the Government scale of diet, *ib.* 3912——Opinion that for men who undergo the treadwheel in Maidstone Gaol for long periods the diet of the Government scale is insufficient, or is wanting in variety; few extra diets in the prison adverted to hereon, *Bannister* 4380-4398.

4. *Extra Diets:*

Discretion of the surgeon in regard to extra diet, and great discrepancy on this score in different prisons, *Smith* 1052-1058——Information on the subject of extra diet by the surgeons; approval of the power of the latter in this respect, *Perry* 1355-1366——Small number of extra diets where the Government dietary has been adopted, *ib.* 1358, 1359. 1367.

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5. *Military Prisons:*

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Explanation in connexion with the increase of diet in the military prisons in recent years, *Sir J. Jebb*, 1253-1269——Comparative diet in the civil prisons and the military prisons adverted to; shorter sentences in the latter case, *Voules* 2206-2213.

Opinion as to the sufficiency of the military diet of 1856, if the potato, or some other vegetable element had been added to it, *Guy* 3779-3784——Unduly large allowance of meat in the military diet as altered in 1861, *ib.* 3781, 3782——Adequacy of the dietary proposed by witness with reference to that provided in the military prisons, *ib.* 5300. 5330-5334.

Calculation of the quantity of nutritive elements (carbon and nitrogen) afforded by the diet in military prisons, *App. p.* 511.

6. *Naval Gaol at Lewes:*

Particulars relative to the diet at Lewes Naval Gaol, for prisoners sentenced for different periods, *Luckraft* 2553-2561. 2565——Distinguishing diet for the first and third class prisoners; absence of any ill effect therefrom, *ib.* 2566, 2567. 2572-2580.

7. *Workhouses:*

Importance of prisoners having a liberal diet as compared with the workhouse diet, *Voules*, 2187. 2204, 2205——No criminal in any gaol should have more food than is given to men in workhouses, *Merry* 2759-2761——Statement showing that the average diet in the fifty county prisons in England is considerably higher than the average diet in forty-six union workhouses, *Oakley* 3300-3314.

Control exercised by the Poor Law Board over the dietaries of the workhouses, *Lumley* 3388——Selection originally by the Board of six different scales of dietary prevailing in the different divisions of the country, it being left to the guardians of each union to adopt whichever of the scales they considered most suitable, *ib.* 3391-3393——Alterations made from time to time in the dietaries of different unions, the tendency being generally to give an increased allowance of food and of meat, *ib.* 3391. 3394-3396. 3428.

Information obtained by the Poor Law Board from Dr. Lyon Playfair as to the constituent parts and chemical properties of the different articles used in the workhouse dietaries, such information being since referred to in arranging any alteration in existing dietaries, *Lumley* 3391. 3414-3426——Different practice in different unions as to the amount and quality of meat allowed, reference being had to the usual food of the labouring class in each county; check exercised by the Central Board hereon, *ib.* 3396-3413——Doubt as to the effect of improved dietaries upon the health or longevity of the inmates, *ib.* 3427, 3428. 3430.

Belief that in the rural districts the workhouse dietaries are higher than the diet of the local labouring classes; the reverse is the case in the towns, *Lumley* 3431——Low diet of vagrants or casual paupers as compared with prison diet, *ib.* 3432. 3437-3439——Higher average age of paupers than of prisoners adverted to with reference to the question of the higher dietary in the latter case, *ib.* 3446——Probability of a better diet being required for men under sentence of hard labour in prison than for able-bodied inmates of workhouses, *ib.* 3447-3450.

Statement of the weekly allowance of diet for adult males according to the dietary tables of various workhouses in Somerset, Devon, Dorset, Wilts, and Middlesex, *App.* 491.

Circular issued by the Poor Law Board in December 1835 relative to the selection of a dietary by Boards of Guardians from certain dietaries, five in number, as having been found sufficient in quality and unexceptionable as to the nature of the articles specified in each, *App.* 494.

List of the five dietaries for able-bodied paupers, approved by the Poor Law Board in 1835, *App.* 495-497——Workhouse dietary for the aged and infirm men and women, *ib.* 497.

8. *Generally as to the Principles to be Observed as the Basis of a Uniform Dietary for Prisons:*

Opinion that the proper basis for an experimental prison dietary is the dietary in use by the agricultural population, *Smith* 843-849. 876——In taking the test of the agricultural classes as a basis for prison diet it will be essential to make provision for counteracting the effect of sedentary occupation of prisoners, *ib.* 908-911. 996-998.

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8. *Generally, as to the Principles to be observed as the basis of a Uniform Dietary for Prisons*—continued.

The object should be to send the prisoner out of prison in a state of health compatible with labour and support, *Perry* 1352-1354. 1369-1373——Inexpediency of the scale of dietary being such that exceptions should be frequent, *ib.* 1368.

Expediency of the diet in different parts of the country being regulated with reference to the ordinary food of the same class of persons from which the prisoners generally are taken, *Voules* 2188-2197——Objection to entirely withholding animal food and stimulants from men previously accustomed to them, as in the manufacturing districts, *ib.* 2204, 2205——Expediency of the dietaries being framed with reference to the period for which the prisoners are sentenced, *ib.* 2217, 2218——The diet should be as simple as possible, but should be sufficient to enable a man on discharge to earn an honest living by physical labour, *ib.* 2222-2224.

Opinion strongly in favour of a reduction of the whole system of prison diet, *Merry* 2690——Inexpediency of relying too much upon the views of individual surgeons in favour of a high scale of diet; means of overruling the surgeon if unreasonable on this subject, *ib.* 2722-2728——Great importance of the prospect of extra food as an incentive to increased industry, *Shepherd,* 2886-2895.

The system of an improved dietary for long sentences is altogether erroneous, and operates as a sort of premium to the commission of greater offences, *Sir W. Crofton* 3175-3177——It would be far better that the dietary should be progressive, and that all prisoners should commence with the lowest dietary, without reference to the length of sentence, *ib.* 3175-3178——Doubt as to the expediency of increasing the present scale of dietary for men removed for good conduct to the higher classes, *ib.* 3225——Expediency of a uniform basis for all dietaries, *Guy* 3828, 3829. 3913-3919.

Proposition that a man should commence upon the scale of diet intended to be given him throughout, and that long-sentence men should at once begin upon the higher scales, *Linton* 4247-4258.

Approval of the dietaries in the military prisons as the data upon which to frame an improved scale for the county and borough prisons, *Guy* 5300. 5330-5334——Propriety of the diet being unattractive without being positively repulsive, *ib.* 5300——Expediency of the diet being such as to preserve the health of the prisoner and his capacity for labour, *ib.*——Other things being equal, the cheapest food should always have the preference over the dearer, *ib.*——Expediency of the diet for short sentences being in itself a punishment, *ib.*——Approval of the principle of a scale of successive diets for each prisoner under the longer sentences, *ib.*

9. *Importance of a Low Diet as an Instrument of Deterrent Effect:*

More deterrent effect of imprisonment if the diet were restricted as proposed by witness, *Smith* 920-926——Expediency of hard fare in prisons, or as little diet as would keep a man in health, *Sir J. Jebb* 1286-1292——Witness looks minutely to diet as a means of producing deterrent effect, *Merry* 2649. 2652. 2690——A low diet should form one of the principal ingredients in the punishment of prisoners, *Oakley* 3371, 3372.

10. *Defective Assimilation of Food through want of proper Exercise:*

Great want at present of a proper assimilation of food, and several causes to which owing, *Smith* 827, 828. 896-906——Necessity of proper exercise and good air to cause an adequate assimilation of the food, which is the real object that witness has in view, *ib.* 827, 828. 835-839. 850. 861-864. 905-907. 1000-1002——Waste of food through insufficient exercise and defective assimilation, *ib.* 897. 921, 922——Larger amount of food required in separate confinement than if active exercise were allowed, *Sir J. Jebb* 1290, 1291——Value of a certain amount of exercise or labour in causing an assimilation of food; probability of less nitrogenous food being required in such case, *Guy* 3731-3744.

11. *Suggestions by Dr. Smith; Scale proposed:*

Statement to the effect that a dietary may be constructed, containing milk, &c., whereby meat may, in a great measure, be dispensed with, *Smith* 823-844. 847-849. 869-871——Limited effect of the mind upon the vital powers of prisoners generally, with reference to the question of food and nutriment, *ib.* 831-833. 865-868. 958, 959——Necessity, in the event of increase of hard labour, of increasing the food, or nitrogenous matter, in proportion to the increase of bodily waste; such food need not, however, be animal food, *ib.* 835-845——Contemplated use of bone liquor as part of the dietary, *ib.* 844. 869, 870. 1089——Practicability of a uniform dietary in conjunction with a uniform system of labour, *ib.* 846.

Absence of injury to health consequent upon the sudden stoppage in prison of alcoholic liquors, to which many prisoners have been previously accustomed, *Smith* 851-855——Very few persons who could not adopt a milk dietary, *ib.* 871——Discretion necessary in gaol surgeons, in regard to increasing any uniform dietary, in cases of ill health,

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11. *Suggestions by Dr. Smith; Scale proposed*—continued.

Smith 877–881. 1066——The diet need not be increased with the duration of the imprisonment, provided sufficient food and exercise be given at first, *ib.* 895——Injured constitution of many criminals adverted to with reference to the basis of diet to be applied, *ib.* 929–931.

Allowance to be made in the scale of dietary and of labour, for the greater waste of the vital powers in hot weather than in cold, *Smith* 976, 977. 1031–1034——Considerable element of nutrition in meat liquor and bone liquor, *ib.* 987. 1090, 1091——Advantage of white bread for prison diet, *ib.* 988, 989.

Further statement as to milk supplying a substitute for meat, *Smith* 1005, 1006——Amount of carbon and nitrogen estimated by witness as necessary for sustenance and health in the case of the Lancashire operatives, *ib.* 1007——Several items, exclusive of meat, by means of which an experimental dietary might be formed for prisons, *ib.* 1008. 1013.

Expediency of the Secretary of State having power to enforce the general adoption of any scheme of diet that may be decided upon, *Smith* 1059——With regard to the same dietary not being equally applicable to prisoners of different size, age, &c., the surgeon should make deviations from the scale in individual cases, *ib.* 1060, 1061. 1066, 1067——The experimental dietary contemplated by witness would very much assimilate to that recommended for the Lancashire operatives, *ib.* 1084–1088.

12. *Proposition by Dr. Guy for an amended Scale:*

Evidence in support of the conclusion that it is not essential to the health of a prisoner that there should be any meat at all in the diet, even where long sentences of hard labour are involved, *Guy* 3727 *et seq.*——There is no fact in relation to diet better established than the necessity of the potato element, or some equivalent vegetable element, *ib.* 3727. 3803——Absence of ill effects from the men being suddenly deprived of alcoholic stimulants, *ib.* 3758.

Danger in continuing a bread and water diet for many days, *Guy* 3761——Value of Indian corn as an article of prison diet, *ib.* 3762-3766——Advantage of a purely farinaceous diet on the ground of its economy, *ib.* 3768-3770——Absence of necessity for change of diet after a period of two or three months, or accordingly as the prisoner remains longer in prison, *ib.* 3776–3778.

Suggestion that experiments be made with one pound of bread per day, and one pound of potatoes, as a starting point, varying the quantities of the meat, gruel, &c., *Guy* 3787. 3798-3801——Statement as to brown bread being more nutritious, and otherwise preferable for prison diet, than white bread; explanations hereon, *ib.* 3787-3792. 3796, 3797——For the present, witness would be satisfied with a dietary constructed upon the vegetable and farinaceous principle, *ib.* 3802.

Substitutes advisable in the event of a failure of potatoes, *Guy* 3803——Occurrence of pestilences in former times attributed mainly to the want of a vegetable element in the diet, *ib.*——Cocoa is a very good article of prison diet, but is not an essential one; neither is it essential to have molasses or treacle, *ib.* 3804-3807——Considerable importance attached to uniformity of diet throughout the country, *ib.* 3828, 3829. 3913-3919.

Approval of a scale being laid down for general adoption, comprising bread and potatoes as essential, and placing side by side certain other articles as alternatives, to be determined locally, *Guy* 3830–3834——Approval also of the diet being raised at certain periods in the case of those under the longer sentences, all being placed at first upon the lowest class, *ib.* 3869–3880——All prisoners committed for not more than a week should be put upon bread and water, *ib.* 3871. 3878–3884.

Explanatory statement as to the principles upon which witness has proceeded in framing a scheme of dietary for submission to the Committee, *Guy* 5300–5302——A bread and water diet is adequate for the first week in the case of prisoners under sentence for longer periods, *ib.* 5300, 5301——Argument that there is no valid objection on the score of health to a diet of bread and water in the case of prisoners whose sentences do not exceed a week, *ib.* 5300–5304.

Details relative to the dietary as proposed for prisoners sentenced for different periods, from one week to a year and upwards; table in illustration, *Guy* 5303 *et seq.*——Assumption that meat is to be entirely excluded, the main articles proposed being bread and potatoes, *ib.* 5304–5306. 5325——Difference between the fourth class in witness's scale, and the diet in the military prisons, *ib.* 5304——Explanation showing the adequacy of the fifth and sixth classes in witness's scale, with reference to the penal class diet at Millbank, *ib.* 5304. 5312.

Importance of potatoes as a preventive against scurvy, &c.; substitutes which may be provided if there were a scarcity of potatoes, *Guy* 5305–5310——Non-objection to soup or meat being substituted on alternate days for Indian meal, as proposed by witness in the fifth and sixth classes of his dietary, *ib.* 5313–5325——Improbability of the proposed

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12. *Proposition by Dr. Guy for an amended Scale*—continued.

posed dietary becoming injuriously monotonous for the prisoners, *Guy* 5318–5320——Recommended trial of the proposed scale, the meat element being entirely excluded, *ib.* 5324, 5325——There would be no difficulty in obtaining, at moderate prices, the supplies of milk contemplated by witness, *ib.* 5326, 5327——Brown bread is preferred by witness, as more wholesome and nutritious than white, *ib.* 5328, 5329.

Much larger quantity of solid food in the proposed dietary than in the dietaries of seven union workhouses, taken without selection from different parts of the country, *Guy* 5335-5337.

13. *Graduated and fixed Scales proposed by Mr. Shepherd:*

Particulars as to the graduated dietary recommended by witness in lieu of that now in force; promotion or degradation from one class to another is to be determined by good or bad conduct, *Shepherd* 2918–2920——Besides the graduated scale, fixed scales are proposed respectively for prisoners under sentence not exceeding ten days, and prisoners sentenced for terms between ten days and a month, *ib.* 2918.

Scale of diet recommended by Mr. Shepherd for all prisoners in England and Wales, showing the quantities of food in ounces per week, *App.* 490.

14. *Further investigation desirable before the final adoption of a new Scale:*

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Exception taken to the conclusions based upon the experiments at Pentonville Prison, when first opened, in regard to the physical effects of certain dietaries, *Guy* 3786, 3787——Limited character of the experiments desirable in order to arrive at a satisfactory dietary; they can best be conducted by one competent person, *ib.* 3798–3801.

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Hard Labour:

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I.

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2. *Practice in the Irish Convict Prisons.*
3. *Question as to the sufficiency of the Allowance to Prison Officers.*
4. *Question as to the marking or branding of Prisoners.*
5. *Importance of communication between Governors of Prisons.*
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1. *Importance generally of some better means of Identification:*

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5. *Importance of Communication between Governors of Prisons:*

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3. *Respective Advantages generally of Industrial Labour and Unproductive Labour.*
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5. *Other Evidence and Suggestions generally.*
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1. *Varying Practice in different Gaols; expediency of Uniformity:*

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Great advantage, generally, of productive labour, as compared with labour on the treadwheel, &c., in regard to the moral effect upon the prisoners, *Perry* 580, 581. 684 *et seq.*, 746–781.——Further consideration of the grounds for the conclusion as to the moral reformation produced by the system of trade instruction, *ib.* 746–760.

3. *Respective Advantages generally of Industrial Labour and Unproductive Labour:*

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3. *Respective Advantages generally of Industrial Labour, &c.*—continued.

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1. *Considerations as to the Adequacy of two Inspectors for England and Wales.*
2. *As to the Number of Visits by the Inspectors.*
3. *Functions and Powers of the Inspectors.*
4. *Supervision on Medical Questions.*
5. *Remuneration of Inspectors.*
6. *Visitation of the Prisons without previous Notice.*
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1. *Considerations as to the Adequacy of two Inspectors for England and Wales:*

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Varying number of visits paid by witness to different prisons, *Perry* 6——He generally visits each prison about once a year, *ib.* 91, 92——As a rule, witness visits each prison once a year, and sometimes visits the same prison a second or a third time, if any cause for his so doing should arise, *Voules* 1898–1900. 2235–2237.

Understanding of the Home Office that each prison should be inspected at least once a year, *Everest* 2258–2261——It should be imperative to inspect every prison once a year, *ib.* 2390, 2391.

3. *Functions and Powers of the Inspectors:*

Nature of the functions and powers of the inspectors under the Act 5 & 6 Will. 4, c. 38, *Perry* 26–29——Absence of power in the Government inspectors to enforce their regulations, *Fulford* 1642–1647——Power of the Secretary of State to revoke the appointment of the inspectors, *Everest* 2244——Belief that some instructions prepared for the inspectors in 1849 have never been issued, *ib.* 2254–2257——Right of an inspector to visit a prison at all times, *ib.* 2267.

4. *Supervision on Medical Questions:*

One of the inspectors has always been of the medical profession, and medical questions arising over the two districts are usually referred to him, *Everest* 2247–2253.

5. *Remuneration of Inspectors:*

The salary of each inspector is 800 *l.* a year, besides travelling expenses, *Everest* 2245, 2246.

6. *Visitation of the Prisons without previous Notice:*

Practice of visiting the prisons without previous notice, *Perry* 13–15; *Vowles* 1901, 1902.

7. *Question*

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7. *Question of an occasional Interchange of Districts:*

Evidence in approval of the practice of confining each inspector to his own district, *Perry* 8, 9. 87–90——Disapproval of the same inspector visiting the two districts alternately, *Vowles* 1918, 1919——Approval of each inspector being confined to his own district, *Everest* 2389.

8. *System of Report and Question of Communication with the Quarter Sessions or Visiting Magistrates:*

Absence of direct communication between the inspectors and the visiting Magistrates or Quarter Sessions *Perry* 18–25——Report made by witness in the case of every gaol visited within the year, but not in the case of every prison in his district, unless visited, *ib.* 76–78——Approval of the inspectors' reports being laid before the Quarter Sessions by the Secretary of State rather than directly by the inspectors, *ib.* 103–106.

Advantage of the inspection of prisons being promptly followed by a report to be laid before the Quarter Sessions, *Sir J. Jebb* 1188, 1189. 1191–1193.

Practice of witness to communicate directly with the visiting justices, and advantage thereof in leading to the adoption of improvements by the Quarter Sessions, *Voules* 1906–1910. 1913——Objection to witness's report going direct before the Quarter Sessions; improbability of their being well received, *ib.* 1907, 1908. 1911–1915.

Similar information laid before Parliament as before the Secretary of State, except that special reports are made exclusively to the latter, *Everest* 2263–2266——No rule is laid down by the Secretary of State as to the mode of compilation of the inspectors' reports, *ib.* 2268, 2269——Presentation of the reports to Parliament, without, as a rule, any communication between the Home Office and the magistrates, *ib.* 2270–2274——Advantage if the inspectors' reports were laid before the visiting magistrates and the Court of Quarter Sessions; this was once done; *ib.* 2275–2283——Expediency of direct communication between the inspectors and the visiting magistrates, *ib.* 2284–2286.

9. *Conclusions and Recommendations of the Committee:*

Object of the system of prison inspection to secure a general uniformity of prison discipline; non-attainment of this object, *Rep.* xiii——Reference to the reduction in the number of, and the work performed by, the inspectors; the amount of inspection is now less than it was originally intended to be, and than is in itself desirable, *ib.*

Grounds upon which the Committee conclude that for years past the inspection has been reduced in most cases to a mere formality, both as regards the supervision itself and the subsequent use made of such supervision by the Secretary of State or the local authorities, *Rep.* xiii, xiv——Recommendation that every prison be inspected at least once in the course of the year, *ib.* xiv——Also that the duration of the inspector's visit be recorded, and that in the event of any omission to visit any prison the inspector should in his report state the fact and the reasons, *ib.*——The reports, when laid before the Secretary of State, should be forwarded by him, at the earliest practicable moment, to the Quarter Sessions in every county, and the town council in every borough, *ib.*

Full credit given to both the inspectors for their wish to improve the general condition of the gaols placed under their supervision. *Rep.* xiv——The Committee, however, express their dissent from many of the ruling principles of prison discipline, which the inspectors, and especially Mr. Perry, have laid down, *ib.*

See also *Borough Gaols.* *Kincaid, Sir John.* *Petworth Gaol.* *Special Inquiries by Inspectors.*

Instruction of Prisoners. Advantage if there were an occasional relaxation of the rule that a prisoner must not be employed in instructing other prisoners, *Perry* 390–392. 410–414——Provisions made in prisons on the separate system for the instruction of the prisoners, either by schoolmasters or by the chaplains and wardens, *ib.* 1374, 1375——Varying character and amount of instruction in different prisons, *ib.* 1376——Practice as to instruction in classes; approval in such cases of partitions in the school rooms, so as to prevent communication between the prisoners, *ib.* 1377–1390——Varying time devoted to instruction in different prisons, *ib.* 1405–1407——Interest of prisoners to behave well when attending school, instruction being accorded as a favour, *ib.* 1408–1412.

Approval of instruction in the separate cells rather than in the school-room, *Sir W. Crofton* 3289——Instruction of each prisoner in Bristol gaol separately; rapid progress made under this system, *Gordon* 3584–3557.

In order to avoid interference with the discipline of the prison, all school instruction should be given at a fixed time, and to a fixed proportion of the prisoners in succession, *Rep.* xi——Approval of school instruction in the evening, *ib.*——Strong disapproval of a prison system in which instruction by the schoolmaster, or "self-instruction," is made the substance of penal discipline, *ib.*

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Ireland. Great want of uniformity in prisons in Ireland as well as in England, *Sir W. Crofton* 3294——Adoption of the separate system equally in Ireland as in England, and with the best results, *ib.* 3295.——*See* also *Identification of Prisoners*, 2. *Separate System*, 4.

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Jebb, Major General Sir Joshua, K.C.B. (Analysis of his Evidence.)—Has for many years held the office of Surveyor General of county and borough prisons, 1095–1097——A very large number of prisons have of late years been built under his direction on the separate system, as at Pentonville, 1097–1099——There is now a great approximation to uniformity of construction, which did not formerly exist, 1100.

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Respects in which the use of hammocks in gaols is advantageous, 1225–1227——Approval of a maximum of eight hours sleep, 1228–1231——Expediency of sentences of hard labour being faithfully carried out, 1231–1233——Several punishments inflicted by governors of gaols for prison offences, 1234, 1235——Practice in regard to the infliction of corporal punishment for offences in convict prisons, 1236——Approval of a stoppage of diet for prison misconduct, 1238–1241.

Advantage, as a punishment, of solitary confinement, alternately with hard labour, 1242–1248——Practice as to reproofs or admonitions in military prisons, 1249–1252——Explanations in connexion with the increase of diet in the military prisons in recent years, 1253–1269——Good diet afforded by wheaten bread and milk. 1271, 1272——Satisfactory operation of the system in military prisons; deterrent effects of the system, 1275–1283——Greater security of the shot-drill than of the treadwheel, 1285.

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Expediency of hard fare in prisons, or as little diet as would keep a man in health, 1286–1292——Larger amount of food required in separate confinement than if active exercise were allowed, 1290, 1291——Approval of the practice marking deserters from the army with the letter D., although in the case of convicts witness is opposed to their being marked with a view to identification, 1294–1316——Great importance attached to a system of assistance to prisoners on their discharge, 1302. 1348——In the case, however, of incurable offenders a mark might be affixed, 1316–1318——Slight importance attached to the practice of taking photographs of prisoners, 1319.

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Julyan, George. (Analysis of his Evidence.)—Has been Governor of Falmouth borough gaol for 27 years, 5158*–5161——The average number of prisoners is about seven; at present there are but two, 5162–5166——Separate accommodation for the male and female prisoners, and checks upon their communicating, 5167–5174——Improvement of the gaol since it was built in 1831; 5175, 5176——Total of only nine separate sleeping compartments, and occasionally crowding and association therein when the prison is very full, 5178–5192. 5291–5294.

Explanation as to the women having at one time been placed in the men's ward, the men having been removed to the women's ward; check upon their communication, 5193–5203——Character of the labour provided; there is no treadwheel or crank, and the prisoners are sometimes quite idle, and in association in the airing yards, 5204–5220——Inadequate provision for the safe custody of the prisoners whenever witness, who is superintendent of the borough police, is absent; statement hereon as to witness's son acting as warder whilst the town council have refused to pay him, 5221–5249——Provision since 1859 of water-closets for the female prisoners, 5250–5252.

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Juvenile Offenders. Considerable reduction, since the establishment of reformatories, in the number of boys in gaols, although in some gaols there are still a great many, *Perry* 1424–1428——Advantage if the boys in gaols were removed to reformatories; importance, however, of a classification in the latter, as much evil now results from the association therein, *ib.* 1429–1431. 1434–1436——The treatment of boys in prisons might be much improved by preventing association with the adults by classification, *ib.* 1432, 1433. 1435.——Satisfactory system in France in regard to the classification of juvenile offenders, *ib.* 1434.

Return to Stafford county prison of many juveniles who have learned to read and write in the prison, *Fulford* 1582–1584——Unfitness of many of the juveniles for treatment in prison; difficulty about sending them to reformatories, *ib.* 1584–1588——Illustration of the importance of placing juvenile offenders in confinement and under proper discipline, *Shepherd* 3161.

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Keene, Charles Augustus. (Analysis of his Evidence.)—Governor of Leeds Borough gaol, 4424–4426——The gaol is conducted on the separate system, there being 342 separate cells, 4429–4431——The average number of prisoners in 1862 was 266, the offences being generally of a light character; unusually large proportion of recommittals adverted to hereon, 4432–4435. 4473–4481. 4496–4519——Departure from the separate system in the case only of five prisoners employed in the kitchen, 4436, 4437.

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Explanation as to the practice in placing prisoners at industrial labour rather than at the crank; preference of the visiting justices and of witness for productive labour, 4462–4490. 4554, 4555——Small number of the prisoners who can be said to be incorrigible, 4473–4481——Total of 782 *l.* derived in 1862 from the prisoners' labour, 4491–4495.

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Kincaid, Sir John. Circumstance of there having been no satisfactory report for the northern district for 1862, on account of the illness of Sir John Kincaid, *Perry* 100–102.

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Labour or Employment of Prisoners. Details relative to the actual means of labour or employment adopted in the several county gaols, *App.* 505–510.

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Lancashire County Gaol. Statement of the amount of meat, bread, potatoes, &c., allowed to male prisoners weekly, *App.* 492——Character of the punishment and means of employment of the prisoners, *ib.* 508.

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The Leeds Borough gaol is conducted on the separate system, there being 342 separate cells, *Keene* 4429–4431——The average number of prisoners in 1862 was 266, the offences being generally of a light character; unusually large proportion of recommittals adverted to hereon, *ib.* 4432–4435. 4473–4481. 4496–4519——Departure from the separate system in the case only of five prisoners employed in the kitchen, *ib.* 4436, 4437——Separate instruction of the adults, there being a school-room for the boys, *ib.* 4449–4451——Several varieties of industrial employment in the gaol, *ib.* 4452——There is no treadwheel labour, *ib.* 4453——There are a few hard labour cellular cranks, but they are very seldom used; particulars hereon, *ib.* 4454–4463. 4472. 4482–4490.

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Leicester Gaol:

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There are 212 cells in Leicester gaol which have been certified, besides some which have not been certified; out of these 212 cells 140 are now used for Government convicts, *Musson* 1675–1678——Information relative to the labour of the prisoners (except the Government convicts) on the cellular hard labour crank; amount of work required and mode of working the cranks, *ib.* 1679–1703. 1800–1807——Insufficient number of cranks for carrying out hard labour in all cases desirable, *ib.* 1684, 1685. 1793, 1794, 1812, 1813——Certain limitations subject to which the industrial labour is remunerative, *ib.* 1711–1716——Regulations as to the issue of books to the prisoners, *ib.* 1720–1724.

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Information relative to the number of re-committals to Leicester Goal in different years, *Musson* 1726-1732. 1762——Deterrent effect of the discipline of the gaol, *ib.* 1733-1737. 1757-1761——Except in the refractory cells, the men do not lie on bare boards, *ib.* 1750, 1751——Industrial work and teaching with which the time is filled up in the case of prisoners under long sentences, *ib.* 1752-1756——Completeness of the separate system carried out in the gaol, *ib.* 1757-1760. 1767-1772——Save in exceptional cases, the separate system over a lengthened period has not produced bad mental results, *ib.* 1786-1792.

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Deterrent effect of the prison attributed to the strictness of the separation and to the crank system combined, *Musson* 1830-1832——Principal points of difference between witness and the inspectors, *ib.* 1838-1845——Rare instances of increase of diet; discretion of the surgeon in this respect, *ib.* 1846-1853——Satisfactory regulation of the ventilation, &c.; advantage in the prisoners being able to open the windows, *ib.* 1872-1874——Very rare instances of the prisoners succeeding in communicating with each other, *ib.* 1875, 1876——Extent to which the number of cranks is insufficient, further adverted to, *ib.* 1884-1891.

Copy of notice to prisoners under sentence of hard labour, *App.* 482——Scale of crank labour to be enforced during a sentence of imprisonment with hard labour, showing the period of labour for a first and second commitment respectively, *ib.* 482, 483.

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Lewes Naval Prison:

Very satisfactory operation of the naval prison at Lewes, so far as can be ascertained from witness's past experience, *Luckraft* 2459——There is accommodation for about 180 prisoners, the present number being 120, *ib.* 2460, 2461——There are about 100 separate cells; their size, mode of ventilation, &c., *ib.* 2462-2470——Character of the beds and bedding, and of the clothing, *ib.* 2471-2476——Supply of books to the prisoners according to the class to which they belong, *ib.* 2477-2480.

Division of the prisoners into two classes, first and third, according to their conduct; particulars hereon, *Luckraft* 2481-2492——Very small minority in the first class, *ib.* 2482. 2486-2488——System of good conduct badges for prisoners deemed worthy of the first class, *ib.* 2493-2498——The hard labour consists of oakum-picking and the shot drill, *ib.* 2499, 2500——Industrial work upon which the men in the first class are employed, and satisfactory result thereof, *ib.* 2500-2505.

Punishment, on the score of diet, for non-performance of the work assigned at oakum-picking, *Luckraft* 2530, 2531——Separate confinement is also resorted to as a punishment, *ib.* 2532——A bread and water diet is sometimes resorted to as punishment, *ib.* ——Salutary punishment by making prisoners sleep on bare boards, *ib.* 2547-2550.

The rules are framed by the Admiralty under the Act of Parliament, *Luckraft*, 2551, 2552——Limitations under which witness can put prisoners in irons, *ib.* 2562-2564——Control exercised by witness in regard to the application of hard labour, *ib.* 2584-2586——Classes of offences for which the prisoners are committed; they are not habitual criminals, *ib.* 2587-2590——Very few re-commitments; statement hereon, that most of the prisoners are sent from stationary guard-ships at different stations, *ib.* 2594-2597.

See also *Diet*, 6. *Remission of Sentence.*

Liberty Prisons. There are but three liberty prisons now remaining in witness's district, *Voules* 1940-1942.

Conclusion of the Committee favourable to an amalgamation of the few remaining liberty prisons with county prisons, *Rep.* xvi.

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Lighting of Cells. Use of gas in the cells in the better regulated prisons, *Perry* 183, 184——Statement as to there being no light provided in the cells in many prisons, so that the prisoners are in the dark for a great many hours; great evil of this practice, *ib.* 184-221. 253-257.

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Lincoln County Gaol. Amount of the weekly allowance of bread, meat, potatoes, &c., for male prisoners in the county gaol, *App.* 492——Modes of labour or employment of the prisoners, *ib.* 508.

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Linton, William (Analysis of his Evidence.)—Governor of the West Sussex county gaol at Petworth: was at Pentonville for more than four years from the time of its opening, 4059-4064——Varying number of prisoners in the West Sussex gaol; there are now eighty-nine, 4065——Every prisoner has a separate cell, but the separate system is not strictly carried out, 4066, 4067——The cells are not certified; reference hereon to the circumstance of the separate system having originated in Petworth gaol, 4068——Suitable size of the cells and efficiency of the ventilation, 4069-4075.

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R.

READING GAOL:

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2. *Modes of Employment.*
3. *Separate System.*
4. *Diet.*
5. *Lighting of Cells.*
6. *Hours for Sleep.*
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Non-adoption of certified rules in many prisons, *Everest* 2300. 2301——Power of the Secretary of State to require the Court of Quarter Sessions to make rules under the statute; disinclination, however, of the Secretary of State to take steps for enforcing the making of such rules, *ib.* 2302–2305. 2314–2326——Improvement upon the present arrangement if, in the first instance, the rules were laid down by the Secretary of State or by the Legislature, and were binding upon each prison, *ib.* 2322–2336——Approval of the rules being enforced by means of a power in the Secretary of State to withhold the Government allowance for food, &c., *ib.* 2334–2341.

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Necessity of every gaol having a definite code of rules, in order to secure an efficient discipline, *Rep.* xiv.——Issue by the Secretary of State of a code of rules, in accordance with the Act, *ib.*——Comparatively small number of gaols which have accepted the rules as framed by the Secretary of State, such acceptance being left to the discretion of the local authorities, *ib.*——Statement as to the Secretary of State never having exercised his power of framing or certifying rules, when the code issued by him has not been adopted, *ib.*

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Rutland County Gaol. Return relative to the weekly dietary of male prisoners, *App.* 492——Return relative to the system of hard labour or employment, *ib.* 509.

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St. Alban's Gaol, or Liberty Prison. Very improper arrangements at St. Alban's in regard to the prisoners' beds, *Perry* 117–120.

The assize cases within the liberty of St. Alban's are sent to the county prison, *Dayton* 4579, 4580——The average number of prisoners is about 50, there being four warders and a matron, *ib.* 4581–4585——The prison is conducted on the associated principle, there being but eight separate cells; use made of these, *ib.* 4586–4590. 4593–4598. 4705–4712——There are two dark cells for the purpose of punishment, *ib.* 4591, 4592.

Particulars as to the dietary; there is no meat allowed, except in the shape of soup, *Dayton* 4599–4609——Removal of bedsteads from the sleeping rooms in consequence of their having been used for facilitating escapes, *ib.* 4610–4614——Several escapes from the prison, which is very insecure, *ib.* 4616–4618. 4674, 4675, 4694, 4691——Association of the prisoners at night, and absence of proper check upon them, *ib.* 4620–4626. 4639–4645. 4689–4691. 4713–4715.

Use of the treadwheel and of oakum picking, *Dayton* 4627–4631. 4670–4673——Alteration of the practice pursued at one time of drying the prisoners' clothes inside the chapel, *ib.* 4634–4636——The visiting justices inspect the prison several times in each month, *ib.* 4637, 4638—— High cost of the diet per head, though of an inferior character; explanation hereon, *ib.* 4646–4654.

Prison offences are punished by the dark cell, and occasionally by corporal punishment, *Dayton* 4658–4667——The magistrates are about to erect a new prison upon the separate principle, *ib.* 4679, 4680. 4717——The character of the present building is such that witness cannot carry out any satisfactory discipline, *ib.* 4681–4686. 4705–4716.

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School Rooms. Approval of separation in the school-room, unless there is a sufficient supervision to prevent communication, *Voules* 2010. 2021–2023——Objections to separate partitions in the schools, *Shepherd* 2903–2906. 3025–3028.

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Sentences. Advantage of short sentences under the separate system, as compared with longer sentences and association, *Perry* 445——Expediency of hard and unproductive labour and of deterrent treatment, more especially in the case of short sentences, *Sir J. Jebb* 1122–1144. 1180–1184. 1328, 3329——Reference to the great diversity of sentences for the same offences, *ib.* 1198–1200——Way in which much evil arises from the diversity of sentences for the same offence, *ib.* 1337–1339.

Approval of long sentences and of separate treatment in the case of recommitted prisoners, *Musson* 1854–1858——Approval of the treadwheel as a punishment during short imprisonments, whilst it is objectionable for long sentences, *Voules* 2056–2069. 2072–2075——Strong objection to all short sentences, as tending rather to degrade and harden than to reform, *ib.* 2075–2079. 2156–2166——Great inequality of sentences for the same offence, and difficulty in preventing such inequality, *Everest* 2444–2449——Ample sufficiency of a sentence of one year for dealing with a man under the separate system, *Merry* 2693–2700.

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Proposition that there be no sentences between twelve months' imprisonment and seven years' penal servitude, and that all sentences over twelve months be dealt with in the convict prisons, *Sir W. Crofton* 3276–3282.

Instances of prisoners at Coldbath Fields sentenced for very short terms, although they had been previously convicted a great number of times, *Colvill* 4954. 4963, 4964.

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SEPARATE SYSTEM:

1. *As to the Introduction and Extent of Adoption of the Separate System.*
2. *Great Importance attached to the System.*
3. *Suggestions for its Universal Enforcement.*
4. *Suggestions for its partial Adoption in some Cases.*

1. *As to the Introduction and Extent of Adoption of the Separate System:*

Introduction of the separate system into all the prisons built within the last eighteen or twenty years, *Perry* 125——Instances, where the separate cells are not certified, of the prisoners being kept as long in them as in the certified cells, *ib.* 282–284——Requirement of the Act 2 & 3 Vict. c. 50, as to the cells being certified before being used for separate confinement, *ib.* 285, 286.

A very large number of prisons have of late years been built under the direction of witness on the separate system, as at Pentonville, *Sir J. Jebb* 1097–1099——There is now a great approximation to uniformity of construction, which did not formerly exist, *ib.* 1100——Outline of the system of construction of Pentonville and of county gaols since built upon the same principle, *ib.* 1101, 1102.

Considerable discrepancies still existing as to the extent to which the separate system is carried out in different prisons in witness's district; in all new prisons the system is adopted, *Voules* 1921–1929.

Reference to a return ordered by the House of Commons in April 1856, as showing the several gaols in which the separate system was not at that time established, *Rep.* iii.

2. *Great Importance attached to the System:*

General concurrence of opinions as to separation being essential to prevent contamination, *Perry* 271–273——Obstacle to prisoners in separate cells communicating with each other by sounds, *ib.* 274–281——Greater facility of obtaining employment, and more frequent reformation, where the separate system has been in force, *ib.* 442.

Expediency of the separate system as the basis of discipline, whether in the case of short or long imprisonments, *Sir J. Jebb* 1103, 1104——Evidence as to the great advantages of the separate system, and as to the expediency of its extended adoption in county and borough gaols, both upon deterrent and reformatory grounds, *ib.* 1116–1124——Witness has no doubt but that the separate cell has a very corrective effect, *ib.* 1223, 1224——The main point to be looked to is separation as the basis of discipline, *ib.* 1335, 1336.

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2. *Great Importance attached to the System*—continued.

Approval of the separate system as the only safe foundation for prison discipline, *Voules* 1928. 1993, 1994. 1997——Outline of the advantages of the separate system; its great superiority over association as a means both of punishment and reformation, *ib.* 1997-2008. 2028——Approval of confinement in separate cells, as the most deterrent treatment in short sentences, *ib.* 2167-2170.

Advantage of the irksomeness of separate confinement, as affording excellent opportunity for instruction and moral training, *Merry* 2647, 2648. 2654-2661. 2691, 2692——Doubt, however, as to the separate system exercising any real or permanent deterring influence, *ib.* 2652, 2653. 2661——Circumstance of insanity not having been produced by the separate cell system at Reading, *ib.* 2814.

Instances of the advantages of keeping the prisoners separate, as in Bristol gaol, and preventing their being known to each other, *Gardner* 3559-3562——Opinion that the system of partial separation, as at Millbank, may be carried out safely for about a year, *Guy* 3911.

The Committee are very decidedly of the opinon that the separate system must be accepted as the foundation of prison discipline, and that its rigid maintenance is a vital principle to the efficiency of county and borough gaols, *Rep.* v.

3. *Suggestions for its Universal Enforcement:*

Proposition whether the permissive enactment in regard to separate confinements should not be made compulsory, with a view to uniformity, *Sir J. Jebb* 1187. 1205-1207——Understanding as to the power of the Secretary of State to lay down rules for the adoption of the separate system, there being however no power to enforce such adoption; increased powers desirable, *ib.* 1208-1214. 1322-1327.

Recommendation that legislative measures be taken as speedily as possible to render the adoption of separation obligatory upon all gaols and houses of correction in England and Wales, and that the payment of the proportion of the charge, now issued from the public revenues in aid of the county and borough prisons, be made contingent in each case on the adoption of the separate system, *Rep.* v——Conclusion that the principle of separation should be made to pervade the entire system of the prison, and that no adequate reason has been assigned for the relaxation of the rule in school, in chapel, and at exercise, *ib.* vi.

4. *Suggestions for its partial Adoption in some Cases:*

Practicability and expediency of a partial adoption of the separate system in some gaols in which it cannot be carried out in its entirety, *Perry* 287-290.

Reference to and approval of a modification of the system of separate cells, as adopted in the Irish convict prisons on the score of economy; partly separate character of the rooms or cells thus approved of, *Sir W. Crofton* 3237-3244——The prisoners to be placed in the contemplated rooms, should already have been kept in strict separation, *ib.* 3237. 3240, 3241——Witness recommends this arrangement as preferable to the plan of associated rooms, but would rather have in every case the system of strict separation where the expense is not an obstacle, *ib.* 3240-3245.

See also *Association of Prisoners. Borough Gaols. Bristol Gaol,* 1. *Cells. Chapels. Coldbath Fields Prison. Deterrent Influence. Hard Labour. Instruction of Prisoners. Ireland. Juvenile Offenders. Leeds Gaol. Leicester Gaol. Millbank Prison. Petworth Gaol. Punishments. Reading Gaol,* 3. *Reformation of Criminals. School Rooms. Sentences. Stafford County Gaol. Uniformity. Vagrants. Wakefield Prison,* 2. *Water Closets* (*Separate Cells*).

Shepherd, Edward. (Analysis of his Evidence).—Has been governor for thirty-one years of the West Riding Prison at Wakefield, 2817, 2818——The prison is divided into two parts, and contains about 400 Government convicts, and about 1,000 prisoners belonging to the West Riding, 2819——The convicts are treated precisely as at Pentonville, 2820——The separate system is applied to the majority of the West Riding prisoners, there being at present 500 separate cells, 2820-2822.

The prisoners are not required to labour at the tread-wheel or the crank, but witness contends that this is not essential in order to carry out sentences of hard labour, 2823. 2829-2831——Great attention paid to the industrial labour of the prisoners, and opportunity by this means of subjecting the prisoners to hard labour, 2823. 2828 *et seq.* 2875-2877——Abandonment of the tread-wheel in 1846, on account of its uncertainty as a punishment and its injurious effect upon the health, 2824-2828.

Employment of the prisoners at shoe-making, tailoring, mat-making and weaving; particulars hereon as to the amount of work required, and the number of hours for which employed, 2832-2840——Punishment by means of bread and water diet for not doing the required amount of work, 2833. 2841, 2842——Outline of the daily occupation of the

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Portions of the day devoted to exercise and to instruction, &c., so that about seven-and-a-half or eight hours are actually occupied in labour. 2848–2855——Interference of mid-day instruction with the industrial labour; obstacle to the instruction being imparted in the evening on account of the increased expense for additional schoolmasters, 2855-2859——Prisoners committed for only seven or ten days are not employed at all, but are kept strictly separate, on bread and water, 2860, 2861——Further statement as to there being no hard labour at the tread-wheel or crank; difficulty of enforcing such labour, 2862-2874——Objections to the use of corporal punishment, so that it is not resorted to, 2869-2871.

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Amended system of discipline introduced by witness's suggestion into Wakefield Gaol, with a view to a deterring or reformatory influence; satisfactory operation thereof, 2886-2891——Strictness of the discipline in the earlier stages of imprisonment, 2886. 2890, 2891——Great importance of the prospect of extra food as an incentive to increased industry, 2887-2889.

[Second Examination.]—Explanatory statement showing that the hours of work, including exercise, and school, &c., are 10½ hours daily, or 8½ hours at industrial work, 2896——Witness finds on inquiry that means of instruction may be provided in the evening without increased expense, and anticipates much advantage from a change in this direction, 2897-2902——Disapproval of partitions in the school room or chapel, 2903-2906——Superintendence exercised by the chaplain over the instruction, 2907-2909——Allowance of books to the prisoners who have passed through the earlier stages and have behaved well, 2910–2917.

Further information relative to the number of committals and re-committals in England and Wales, in each of the years 1848–60; 2918——Total of 719 full-sized cells certified for separate confinement in Wakefield Prison, *ib.*——Return of the number of mats made by men in prison, and of the number made by workmen in the Industrial Home who have been prisoners, *ib.*

Particulars as to the graduated dietary recommended by witness in lieu of that now in force; promotion or degradation from one class to another is to be determined by good or bad conduct, 2918–2920——Besides the graduated scale, fixed scales are proposed respectively for prisoners under sentences not exceeding ten days, and for prisoners sentenced for terms between ten days and a month, 2918——System of extra diets in the prison, at the discretion of the surgeon, 2921–2923.

Much larger and more expensive dietary of the Government convicts at Wakefield than of the ordinary prisoners, 2924–2937——Statement that two-thirds of the meat go to waste, in bone, boiling, &c., so that forty-eight ounces in original weight, represent only sixteen ounces of cooked meat, 2929-2931——There is no broken meat taken out of the gaol in any shape, 2939–2943——Importance of the fat as an element in the diet, 2940.

Further statement as to the objections to the tread-wheel, which led to its abandonment in Wakefield Gaol, 2944–2948——Absence of reformatory or deterrent influence in the tread-wheel, 2947, 2948. 2986. 3131——Effect of the tread-wheel to cause a subsequent detestation of work out of the prison; examination as to the grounds for this conclusion, 2947. 2984-2998——Uncertainty of the tread-wheel as a punishment further adverted to, 2949, 2950——Examination in support of the conclusion that there is more difficulty in equalizing the punishment of different prisoners at the tread-wheel than at mat-making, 2951-2970. 2999-3005.

Information relative to the apportioning of the labour of the prisoners at mat-making, and the amount of work produced by each man, 2955–2970. 2999–3005——More work produced by men in the Industrial Home than in the prison; more food given in the former case, 2961. 2971-2975——Witness objects to forced labour at the crank as well as at the treadwheel, and considers that it is neither reformatory nor deterring, 2976-2986——Punishment involved in the deterrent element of the discipline at Wakefield, 3006–3009.

Statement of the number of criminals in proportion to the population in each of the English counties, showing that there are but seven counties in which the proportion of criminals is smaller than in the West Riding, 3010–3012. 3130——Inference from the foregoing statement that the favourable result in the West Riding must be in some measure due to the prison discipline, 3010. 3130.

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Important difference in the treatment of men who are sentenced to hard labour, and of men who are not so sentenced, 3056, 3057. 3061-3063——General discretion exercised by witness as to the amount of labour to be imposed on each prisoner, 3058, 3059——Obstacle to the satisfactory working of special rules, 3060——With regard to the Reports of certain Parliamentary Committees in which hard labour is recommended, the tread-wheel and crank are probably referred to in each case, but witness does not consider that in the Acts of 4 Geo. 4, c. 64, or 2 & 3 Vict. c. 56, the term "hard labour" implies either the tread-wheel or the crank, 3064-3076. 3090-3094.

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Further statement as to corporal punishment at Wakefield gaol having fallen into disuse, the majority of the visiting justices being opposed to it, 3104-3108——Effective punishment for aggravated offences by placing the offenders in dark cells on bread and water for three days and in their own cells on the regular diet for one day, and so on for a period of fourteen days, 3109-3115. 3121-3123——Probable advantage of corporal punishment as an example to others, 3116-3120. 3124.

Numerous instances of men earning an honest living in Wakefield who have been more than once in the gaol, 3125-3127——Statement showing for the West Riding that the prisoners are largely made up of old offenders and of travelling thieves, and that these classes have greatly increased, 3127——Grounds for the conclusion that the old offenders have been dealt with more and more leniently every year, that is, by the imposition of shorter sentences, 3127. 3138-3141——Witness strongly recommends that all repeated offences and convictions of any description should necessarily entail a cumulative punishment, 3127-3142.

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Information on the subject of the shot drill at Lewes prison, as forming part of the labour of the third class prisoners, *Luckraft* 2506–2523. 2591–2593——Disapproval of the shot drill as a punishment, as being not only irritating but unproductive, *Sir W. Crofton* 3210–3212——Means of obviating any objection to the shot drill on medical grounds, *Guy* 3847–3849——Non-objection to the use of the shot drill to a certain extent, *Linton* 4133–4134.

Explanation of exercises with heavy shot, as a means of enforcing a sentence of hard labour, *App.* 477–479.

Suggestion that whenever the local authorities may think it necessary to supplement the tread-wheel or crank by further hard labour, recourse may satisfactorily be had to shot drill, and this form of hard labour may be combined with the industrial employment in the later stages of imprisonment, *Rep.* vii——Circumstances under which the shot drill may be resorted to with great advantage, that is, as a form of disciplinary correction in aid of, and supplementary to, the hard labour of the treadwheel and crank, *ib.* viii.

Sites of Prisons. Slight importance attached to the different altitudes of prisons with reference to the question of one uniform dietary, *Smith* 960–966.

Sleep, Hours of. Inexpediency of allowing the prisoners to go to bed for so long a time, as in many prisons; great improvement if the time for sleep were limited to eight hours, *Perry* 186–195. 201–219. 250–260——Approval of a maximum of eight hours sleep, *Sir J. Jebb* 1228–1231——Sufficiency of the allowance of eight hours for sleep, as in Leicester gaol, *Musson* 1746–1749.

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Sleeping Accommodation. Statement as to two prisoners having been placed in one bed in a certain county gaol, as the general practice of the gaol over a period of fourteen years; other instances of abuse in regard to sleeping arrangements, *Perry* 47–49. 114. 291–294——Bad arrangement in some prisons for littering down beds upon the floor of the work-room when work is done, *ib.* 222–224——Goodness of the beds and bedding in prisons generally, *ib.* 225——Objection to the prisoners being required to sleep on very bad beds or planks, as tending to impair their rest and health, *ib.* 229–231. 233–249——Advantage of using sheets as well as blankets, *ib.* 232——Importance of uniformity of rules in the matter of sleep, beds, &c., *ib.* 260, 261.

Approval of guard beds as a means of punishment, *Gardner* 3493–3499——Non-objection to the use of guard beds for a short time, *Guy* 3901——Expediency of prisoners, as at Coldbath Fields, not being made so comfortable in the way of bedding, diet, &c., *Colvill* 4969–4976. 4982. 4986–4988——Guard beds would be very desirable for short sentences, *ib.* 4979.

The Committee recommend that during short sentences or the earlier stages of a long confinement, the prisoners should be made to dispense with the use of a mattress, and should sleep upon planks, *Rep.* xi——The amount of bedding should be sufficient, but moderate, *ib.* xii.

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Small Gaols. Comments by the Committee upon the unsatisfactory and discreditable condition of many of the minor borough gaols, *Rep.* xv——Recommendation that not only the small borough gaols, but the small county gaols and liberty prisons should be amalgamated with the larger county gaols, *ib.* xv, xvi.

Smith, Edward, M.D., L.L.B., F.R.S. (Analysis of his Evidence).—Has for several years devoted considerable time to an enquiry into the effect of prison discipline and dietary upon the health and bodily functions of the prisoners, 790–800——Definition of hard labour and light labour respectively; difficulty as to the class in which stone breaking should be included, 801–803——Variation expedient in the daily amount of hard labour according to the instrument employed, 804——About seven-and-a-half hours daily would be a fair day's work at the tread-wheel, including the intervals of rest, 805.

Importance of the labour, whether hard or light, being a full day's work, 806–811——With regard to manufactures or light labour, a day's work ought not to be less than ten hours, 807——Hard labour should be applied for seven-and-a-half or eight hours daily, *ib.*——If practicable it would be desirable to have a uniform system of all tread-wheel labour or all crank labour, 809——Importance of hard labour being conducted in the open air, 812.

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Limited effect of the mind upon the vital powers of prisoners generally, with reference to the question of food and nutriment, 831–833. 865–868. 958, 959——Necessity in the event of increase of hard labour, of increasing the food or nitrogenous matter in proportion to the increase of bodily waste; such food need not however be animal food, 835–845——Opinion that the proper basis for an experimental prison dietary is the dietary in use by the agricultural population, 843–849. 876——Contemplated use of bone liquor as part of the dietary, 844. 869, 870. 1089——Practicability of a uniform dietary in conjunction with a uniform system of labour, 846——Satisfactory result of an experiment at Wakefield prison of giving a short amount of extra exercise weekly, 850.

Absence of any injury to health consequent upon the sudden stoppage in prison of alcoholic liquors, to which many prisoners have been previously accustomed, 851–855——With regard to the loss or increase of weight under certain circumstances, it is by no means a proof of loss or increase of health, 856–860——Very few persons who could not adopt a milk dietary, 871——Advantage of stone-breaking as an exercise with reference to health, 872, 873. 1014. 1035——Doubt as to stone-breaking in prison being open to much objection, as interfering with independent labour, 874, 875. 1003, 1004.

Discretion necessary in gaol surgeons in regard to increasing any uniform dietary in cases of ill health, 877–881. 1066——Much greater expense of molasses than of starch as a fattening substance, 882, 883——Very insufficient character of some classes of the Government dietary, whilst other classes contain more meat than is necessary, 884–894. 927, 928——The diet need not be increased with the duration of the imprisonment, provided sufficient food and exercise be given at first, 895.

Great want at present of a proper assimulation of food, and several causes to which owing, 896–906—— Great waste of food through insufficient exercise and defective assimilation, 897. 921, 922——Decided injury to health in the event of solitary confinement without labour, 901——Necessity of proper exercise and good air in order to cause an adequate assimilation of the food, which is the real object that witness has in view, 905–907. 1000–1002——In taking the diet of the agricultural classes as a basis for prison diet, it will be essential to make provision for counteracting the effect of sedentary occupation of prisoners, 908–911. 996–998.

Nature of the experiments necessary to arrive at proper data for a uniform scale of dietary for all prisons, 913–917. 923–925——Advantages of the treadwheel as an instrument of hard labour; improvement desirable in its regulation, 917–919. 935–938. 1014–1024. 1035——More deterrent effect of imprisonment if the diet were restricted as proposed by witness, 920. 926——Injured constitution of many criminals adverted to with reference to the basis of diet to be applied, 929–931.

Further statement as to the advantage of a uniform or monotonous system of punishment or hard labour, 932–934——Expediency of applying the treadwheel only to prisoners in fair health: precaution desirable in this respect on the part of surgeons of gaols, 938–952——Impropriety of the Government diet for short sentences being used as a punishment, as is now the case, on account of its insufficiency, 953–957——Slight importance attached to the different altitudes of prisons with reference to the question of one uniform dietary, 960–966.

Different effects produced upon the system by crank labour and by treadwheel labour, as at present arranged; expediency of rendering the effect similar, 967–971——Respect in which the treadwheel is preferable to the crank as a means of exercise, 972–975——Allowance to be made in the scale of dietary and of labour for the greater waste of the vital powers in hot weather than in cold, 976, 977. 1031–1034——Question of loss of weight further adverted to with reference to the effect upon the health, 978–986.

Respects in which the dietary in military prisons is capable of amendment, 987. 1009, 1010——Considerable element of nutrition in meat liquor and bone liquor, 987. 1090, 1091——Advantage of white bread for prison diet, 988, 989——Importance of a system of increased labour and exercise as tending to prevent that depression which now leads largely to lunacy and suicide, 990–995——Where trades are carried on in prisons the air should be assimilated as much as possible to the open air, 996–998.

Objection to labour being carried on in separate cells, 998——Value of cocoa as an article of food; it is not, however, a desirable food for prisoners, 999——Further statement as to milk supplying a substitute for meat, 1005, 1006——Amount of carbon and

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and nitrogen estimated by witness as necessary for sustenance and health in the case of the Lancashire operatives, 1007——Several items, exclusive of meat, by means of which an experimental dietary might be formed for prisons, 1008. 1013——Advantage of hot food as a vital stimulant, 1011–1013.

Great inequality at present in the regulation of the treadwheel in different gaols; practicability of uniformity, 1014–1024. 1030–1034——Very unequal pressure of the crank in different prisons, 1025–1027——All crank machines should be constructed with a uniform pressure produced only by weights, 1027, 1028——The standard amount of work at the crank should be set at that which a man of moderate strength can perform, and should be diminished only on the score of health, 1028–1030.

As an out-of-door exercise, swift running and walking is the best, 1036–1038——The treadwheel should be under shelter, but in the open air, 1039——Deficiency of pure air in the large trade room at Coldbath Fields prison, but not in the cells, 1040–1043——Defective ventilation in the cells and rooms in Wakefield prison, where trades are carried on, 1043——The limits of temperature for cells should be about forty-eight and fifty eight, 1044——Disapproval of water-closets or pails in cells, the former, however, being least objectionable, 1047–1051.

Discretion of the surgeon in regard to extra diet, and great discrepancy on this score in different prisons, 1052–1058——Excellent system in Wakefield prison of determining the amount of health of a prisoner, 1058——Expediency of the Secretary of State having power to enforce the general adoption of any scheme of diet that may be decided upon, 1059——With regard to the same dietary not being equally applicable to prisoners of different size, age, &c, the surgeon should make deviations from the scale in individual cases, 1060, 1061. 1066, 1067.

Reference to diarrhœa in gaols as not being necessarily a condition of disease, 1062–1065——Necessity of investigations for another year or more before an experimental dietary can be properly arrived at, 1068–1074——Opinion as to the sufficiency of the military dietary for ordinary prisoners, 1075–1077——Expediency of the lower scale of Government dietary being altered on account of its insufficiency, 1078–1081.

Witness will furnish a return showing the immense diversity now existing in the dietaries, 1082, 1083——The experimental dietary contemplated by witness would very much assimilate to that recommended for the Lancashire operatives, 1084–1088——Reference to letters received by witness, in 1858, from more than sixty governors of gaols, as showingthe great inequalities and diversities of punishment in different prisons, and even in the same prisons, from day to day, 1092–1094.

Solitary Confinement. Decided injury to health in the event of solitary confinement without labour, *Smith* 901——Restriction upon the enforcement of the solitary system as compared with the separate system, *Sir J. Jebb* 1114——Advantage as a punishment of solitary confinement alternately with hard labour, *ib.* 1242–1248——Solitary confinement is confinement without employment in a light cell, *ib.* 1243.

Great dread entertained by prisoners in regard to solitary cells as compared with the treadwheel, *Merry* 2650, 2651——For short sentences the solitary cell is the most effective of all punishments, *ib.* 2667, 2668. 2702.

Circumstance of solitary confinement forming scarcely any part of the ordinary treatment of criminals, except as a punishment for prison offences, for which purpose it is found to be very effective, *Rep.* vi——Suggestion that in many cases the shorter term of three and seven days' solitary confinement on bread and water be substituted for the present sentences ranging from seven to twenty-one days with hard labour, *ib.*

Somerset County Gaol. Statement of the weekly allowance of diet for male prisoners (on the highest class) in Somerset county gaol, *App.* 492——System of punishment and modes of employment of the prisoners, *ib.* 509.

Special Inquiries by Inspectors. Previous information to the prison authorities where special inquiries are made, *Perry* 17.

Staff of Prisons. Various officers comprised in the staff of large prisons, *Perry* 329, 330——Salaries and position in life of the subordinate officers; their efficiency generally, *ib.* 362–366——Improvement if the subordinate officers could all live within the prison, *ib.* 367–369——Smaller proportion of officers requisite in gaols on the separate system, than where association is the practice, *ib.* 376–378. *See* also *Governors of Prisons.*

Stafford County Gaol. The average number of prisoners in Stafford county prison is about 650, *Fulford* 1438, 1439——A portion of the prison is on the separate system, and steps are being taken to make it entirely so, *ib.* 1440–1444——There are 270 cells of which only 152 have been certified, *ib.* 1440, 1441——There are 422 certified cells, *ib.* 1441——Room is about to be made for 320 separate cells, to be certified, *ib.* 1442.

The treadwheel and the crank are the modes of penal hard labour in use, *Fulford* 1445, 1446——The prisoners make all the prison clothing and are otherwise employed

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under trade instructors, *Fulford* 1447-1448. 1486-1498——The maximum time for hard labour is six hours and three quarters, but this cannot be uniformly observed, *ib.* 1449-1451. 1501——Productive labour to which the treadwheel is applied, *ib.* 1452——The cranks are generally unproductive, *ib.* 1453——Oakum picking is enforced, but witness does not look upon this as hard labour, *ib.* 1455, 1456.

In a pecuniary sense, industrial occupation in Stafford gaol is not on the whole successful, *Fulford* 1485-1490——Practice in regard to the employment of prisoners in making bread, *ib.* 1486. 1491-1498——Long hours for which the prisoners are in darkness; difficulty in limiting their time for sleep to eight hours, *ib.* 1540-1547. 1566-1568——Some of the prisoners sleep on the boards, and their health is not prejudiced thereby, *ib.* 1549-1555.

Arrangements in regard to the prisoners being taught by the chaplain and by the schoolmaster, *Fulford* 1556-1563. 1573-1581——Regulation in regard to the exercise of the prisoners, *ib.* 1556. 1569, 1570——Particulars relative to the prison dietary; opinion that it may be reduced without injury to health, *ib.* 1593-1603——Considerable proportion of the prisoners who have been previously in prison, *ib.* 1608-1610——Check upon the prisoners communicating with each other when in chapel, although not separated, *ib.* 1639-1641.

Great want of improved gaol accommodation at Stafford, *Voules* 2045——Statement as to meat being excluded from the dietary of Stafford County Gaol, without any prejudicial effect, *Guy* 3745.

Paper delivered in by Major Fulford, showing the amended dietary for the several classes of prisoners in the county gaol, as adopted in 1852, *App.* 480, 481.

See also *Juvenile Offenders. Workhouses.*

Stone-breaking. Objection to stone-breaking as an employment, on account of the expense involved, *Perry* 623-626——Definition of hard labour and light labour respectively; difficulty as to the class in which stone-breaking should be included, *Smith* 801-803——Advantage of stone-breaking as an exercise with reference to health, *ib.* 872, 873. 1014. 1035——Doubt as to stone-breaking in prison being open to much objection as interfering with independent labour, *ib.* 874, 875. 1003, 1004——Objection to stone-breaking as requiring much supervision, and as presenting facilities for communication, *Musson* 1831-1833——Approval of stone-breaking as a means of hard labour, *Voules* 2104.

Suffolk County Gaol. Amount of weekly allowance of bread, meat, potatoes, &c., for male prisoners in the county gaol, *App.* 492——Modes of labour or employment of the prisoners, *ib.* 509.

Sureties for Good Conduct. Suggestion whether the system should not be altered of requiring sureties from prisoners sentenced for short periods for assaults; increased supply of prisoners through inability to find sureties, *Fulford* 1667-1669.

See also *Venial Offences.*

Sussex County Gaol. Particulars as to the weekly dietary of the prisoners, *App.* 492——Also as to the modes of employment and punishment, *ib.* 509.

Sympathy for Criminals. Injurious effects of the sympathy or ultra-philanthropy which has been shown in the House of Commons in regard to the treatment of prisoners, *Voules* 2130. 2145-2151. 2182-2186——Sympathy of the public in Ireland for the prisoner on his discharge, rather than when he is undergoing the prison discipline; expediency thereof, *ib.* 2182.

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Taunton Gaol. Exceptional cases in which the treadwheel is used in Taunton Gaol, that is, for repeated offences in gaol, *Oakley* 3324-3332——Several industrial trades at which the prisoners are employed, it being considered that by such employment the sentence of hard labour is carried out, *ib.* 3325-3328——Very beneficial and deterrent effects produced by the industrial labour as compared with the treadwheel, *ib.* 3329, 3333. 3339-3360——Improvement if the men were kept at industrial work for a longer period, or about eleven hours daily; obstacle on account of the school instruction, *ib.* 3329-3331 3360-3367.

Opinion that the dietary in Taunton Gaol is higher than in any other gaol in the kingdom, and that a reduced scale should be adopted, *Oakley* 3368, 3369——Allowance of ten hours for bed-time in Taunton Gaol; obstacle to curtailing this period, *ib.* 3381-3385——Statement of the dietary in Taunton Gaol in the year 1840; small allowance of meat, *ib.* 3385.

Tickets of Leave. See *Police Supervision. Remission of Sentence.*

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TREADWHEEL:

1. *Extent of adoption of the Treadwheel as a means of Hard Labour.*
2. *Disapproval of the Treadwheel as an Instrument of Punishment.*
3. *Inequality of Operation.*
4. *Effect as regards the Prisoner's Health; check desirable.*
5. *Question as to making the Labour productive.*
6. *Checks upon Communication.*
7. *Evidence in approval generally of the Treadwheel, with Suggestions relative to its application.*
8. *Conclusions of the Committee favourable to an extended use of the Treadwheel in an improved form.*

1. *Extent of adoption of the Treadwheel as a means of Hard Labour:*

With regard to the question of hard labour, the treadmill is perhaps the means most in use, although it has been discontinued in many prisons, *Perry* 461–463——On an average prisoners work six or eight hours daily at the treadwheel, that is, subject to the relief; great difference, however, in different prisons, *ib.* 464–466. 472.

Returns received in reply to circulars to governors of county gaols, and analysis thereof, relative to the use of the treadwheel as a punishment, *App.* 505–510.

2. *Disapproval of the Treadwheel as an Instrument of Punishment:*

Witness considers the treadwheel a very undesirable mode of punishment, and would abolish it altogether, *Perry* 501–506. 570–581——Although wishing for a discontinuance of treadwheels, witness does not advise their legal prohibition until some approved system of productive labour has been organised, *ib.* 639. 650–652. 761–765——Disapproval generally of the hard labour cranks and treadwheels, as compared with industrial labour and trade occupations, *Perry* 714 *et seq.*; *Oakley* 3329. 3333. 3339–3360——Objections to the treadwheel as a means of hard labour for prisoners under long sentences; its degrading effect, *Voules* 2056–2069. 2152–2155. 2177–2181——Absence of reformation at Reading gaol by means of the treadwheel, *Merry* 2616–2618.

Abandonment at Wakefield prison of the treadwheel in 1846, on account of its uncertainty as a punishment, and its injurious effect upon health, *Shepherd* 2824–2828——Further statement as to the objections to the treadwheel which led to its abandonment in Wakefield gaol, *ib.* 2944–2948——Absence of reformatory or deterrent influence in the treadwheel, *ib.* 2947, 2948. 2986. 3131——Effect of the treadwheel to cause a subsequent detestation of work out of the prison; examination as to the grounds for this conclusion, *ib.* 2947. 2984–2998——Uncertainty of the treadwheel as a punishment further adverted to, *ib.* 2949, 2650——Inefficiency of the treadwheel, more especially in the case of vagrants, tramps, and old offenders, *ib.* 2950. 2994–2998.

Hardening effect of the treadwheel if prisoners are kept constantly at it; examination hereon, as to its effects upon vagrants, *Oakley* 3333. 3339. 3342–3360——Objections to the treadwheel as an instrument of penal discipline on account of its unproductive character, *Gardner* 3613–3617.

Return showing the comparative results of five years of treadwheel and oakum-picking labour, and of five years of useful employment to a limited extent, *App.* 493.

3. *Inequality of Operation:*

Great inequality of the treadwheel as applied to different prisoners, it being almost a pleasant exercise to some, whilst to others it is most trying, and frequently very injurious to health, *Perry* 468. 502–537. 553–581——Information relative to the number and height of the steps in different treadwheels, the number of revolutions, the amount of exertion required, &c., *ib.* 473–500.

If practicable, it would be desirable to have a uniform system of all treadwheel labour or all crank labour, *Smith* 809. 932–934——Great inequality at present in the regulation of the treadwheel in different gaols; practicability of uniformity, *ib.* 1014–1024. 1030–1034.

Examination in support of the conclusion, that there is more difficulty in equalizing the punishment of different prisoners at the treadwheel than at mat-making, *Shepherd* 2999–3005.

4. *Effect as regards the Prisoner's Health; check desirable:*

Adequacy generally of a relief of one-half of the time, *Perry* 466–470——Obstacle to any satisfactory arrangement, with a view to exempting from the treadwheel men who are physically unequal to the labour, *ib.* 509–537——Check desirable to be exercised through the surgeon, in regard to the fitness of prisoners for labour at the treadmill; obstacles, however, to any effectual check in this respect, *ib.* 640–648. 663–675.

About seven and half hours daily would be a fair day's work at the treadwheel, including the intervals of rest, *Smith* 805——Expediency of applying the treadwheel only to prisoners in fair health; precaution desirable in this respect on the part of the surgeons of gaols, *ib.* 938–952——Danger to the health of the prisoners by the use of the treadwheel; instance of this, *Voules* 2060–2066.

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4. *Effect as regards the Prisoner's Health; check desirable*—continued.

The treadwheal was not objected to at Bristol, as developing rupture, *Gardner* 3686–3689——The treadwheel is not used at Millbank, but witness does not object to it on medical grounds, *Guy* 3835. 3844–3846——Men may be kept daily at the treadwheel for several months, without any injury to their health, *Pinson* 3967–3971——Debilitating effect of the treadwheel, *Linton* 4197–4203. 4239–4243.

5. *Question as to making the Labour productive:*

Practicability of making treadwheel labour productive, *Sir W. Crofton* 3179. 3194——Improvement if the treadwheel were rendered productive, as it might be at Taunton, if applied to flax dressing, *Oakley* 3334–3338——It would not pay to make the treadwheel productive, by applying it to grinding corn, *Gardner* 3617——Considerable use of the treadwheel at Coldbath Fields as an instrument of productive hard labour; disadvantage when it is unproductive, *Colvill* 4976–4981. 4998–5011.

6. *Checks upon Communication:*

Importance of prisoners when on the treadmill being invariably prevented from communicating with each other, *Perry* 300–304——Arrangement of late years for preventing communication between prisoners on the treadwheel; few exceptions thereto, *ib.* 490, 491.

7. *Evidence in approval generally of the Treadwheel, with Suggestions relative to its application:*

Advantages of the treadwheel as an instrument of hard labour; improvement desirable in its regulation, *Smith* 917–919. 935–938. 1014–1024. 1035——Respect in which the treadwheel is preferable to the crank as a means of exercise, *ib.* 972–975——The treadwheel should be under shelter, but in the open air, *ib.* 1039.

Respects in which the treadwheel is preferable to the shot-drill, *Sir J. Jebb* 1159–1161——The treadwheel is the only hard labour the prisoners in Stafford gaol really care about, *Fulford* 1456. 1466–1468. 1476, 1477——Particulars relative to the application of the treadwheel at Stafford gaol; its advantages as a mode of hard labour, *ib.* 1502–1524.

Witness is strongly in favour of the treadwheel as an instrument of penal servitude, and considers that the irritating or degrading effect produced by it, may be counteracted by employing certain industrial pursuits in connexion with it, *Sir W. Crofton* 3179–3194. 3202–3208——Contemplated reduction of a man's labour at the treadwheel at the end of the first month, if his conduct and industry be satisfactory; and so on from month to month, *ib.* 3181–3185. 3202. 3205. 3214, 3215. 3224.

The treadwheel does not produce any feeling of degradation or irritation amongst the prisoners in Norwich gaol; they greatly dislike, however, being removed back to it from industrial labour, *Pinson* 3953. 3976–3979——Explanation relative to the peculiar construction of the treadwheel at Petworth; the number of men employed it, &c., *Linton* 4088–4099. 4153–4161——The treadwheel at Petworth gaol is not productive, but nevertheless does not produce any degrading or irritating influence upon the men, *ib.* 4100–4108. 4182.

8. *Conclusions of the Committee favourable to an extended use of the Treadwheel in an improved form:*

Approval of the treadwheel being prescribed by Act of Parliament as one of the elements of penal discipline, *Rep.* vii——Dissent from the evidence that the use of the treadwheel and crank degrades, irritates and demoralizes the prisoner, *ib.*——Suggestions so as to ensure the use of the treadwheel or crank for eight hours per day during the first three months of the first year of imprisonment, *ib.* vii, viii——It is essential that the treadwheels, as far as possible, be of an uniform pattern and construction, divided by proper partitions, with machinery yielding the same number of revolutions in a given time, and with steps of an equal height, *ib.* viii.

See also *Bristol Gaol*, 2. *Coldbath Fields Prison. Crank Machines*, 1. *Gradations of Punishment and Discipline. Hard Labour. Industrial Labour*, 3. 6. *Leeds Gaol. Maidstone Gaol. Norwich Gaol. Petworth Gaol. Punishments. Stafford County Gaol. Worcester City Gaol.*

U.

UNIFORMITY:

Great importance of uniformity of rules in the matter of sleep, beds, &c., *Perry* 260, 261——Particulars as to the great irregularities and diversities of punishment in different prisons, *Smith* 1092–1094——Great diversity of practice in regard to the discipline in different prisons; strong disapproval thereof, *Sir J. Jebb* 1115–1118.

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Necessity of giving increased powers to the Secretary of State to enforce uniformity, and of vesting also some discretion in the magistracy and visiting justices, *Sir J. Jebb* 1322–1326——Advantage anticipated on the score of uniformity of discipline, &c., if all prisoners sentenced for long periods to county gaols were after twelve months confinement therein, removed for the remainder of the term to some Government prison, *ib.* 1340–1346.

Witness considers that the want of uniformity in the labour and in the diet in the different prisons throughout England is excessively detrimental, *Sir W. Crofton* 3172–3175 —— Practice of criminals to calculate upon the difference of treatment in different gaols before committing offences, *ib.* 3265, 3266——A uniform system in all prisons is most expedient, *ib.* 3275.

Remarks by the Committee upon the great want of uniformity in the accommodation, the labour or employment, and the diet in different prisons, *Rep.* iii, iv——The Committee are of opinion that it is desirable to establish without delay a system approaching as nearly as practicable to an uniformity of labour, diet and treatment, *ib.* iv.

Suggestions with a view to uniformity in the application of the treadwheel and crank, and in the provision of industrial employment, *Rep.* vii–ix——Total absence of uniformity on the score of diet, and evil operation thereof, *ib.* ix.

Circumstance of a general uniformity of discipline having been the object sought to be secured by the recommendations of the Lords' Committee of 1835 for a system of prison inspection; non-attainment of this object, *Rep.* xiii——Great variation in different gaols in the score of rules and regulations; expediency of uniformity in this respect, *ib.* xiv.

See also *Borough Gaols. Crank Machines. Diet*, 2. 8. 11, 12. 16. *Hard Labour*, 2. *Industrial Labour*, 1. *Inspection*, 9. *Ireland. Rules and Regulations. Sentences. Separate System. Treadwheel*, 3. 7. 8. *Untried Prisoners.*

Unproductive Labour. See *Crank Machines. Gradations of Punishment or Discipline. Hard Labour. Industrial Labour. Punishments. Shot-drill. Treadwheel.*

Untried Prisoners. Great want of uniformity of practice in the county and borough gaols in regard to the treatment of untried prisoners; expediency of some work or employment being offered to them generally, *Perry* 1413–1423.

V.

Vagrants. Advantage in dealing severely with vagrants, and of restraining them by means of separate confinement, *Voules* 2083–2089——Vagrants and tramps have a peculiar dread of the separate cell, *Merry* 2651.——*See* also *Diet*, 7. *Workhouses.*

Venial Offences. Suggestion that many venial offences be dealt with by requiring security for good behaviour, or, if such security cannot be found, by a longer sentence than one or two months, *Voules* 2075. 2080–2082. 2160–2165.

See also *Sureties for Good Conduct.*

Ventilation and Warming. Regulations in regard to the ventilation and warming of the cells for separate confinement, and the number of cubic feet of air allowed to each prisoner, *Perry* 126–137. 145–147. 174–176——Objection to the prisoners being allowed to open the windows as a means of ventilation, *Perry* 138–144. 172, 173; *Sir J. Jebb* 1109–1112 ——Defective ventilation occasionally under the system of ventilating by means of flues, *Perry* 148–156——The limits of temperature for cells should be about forty-eight and fifty-eight, *Smith* 1044.

Visitation of Prisons. See *Inspection.*

Voules, Herbert Poulton. (Analysis of his Evidence.)—Inspector of prisons for the northern district, 1893–1895——Extent of this district; it comprises forty-seven prisons in England and seventy-two in Scotland, many of the latter being mere lock-ups, 1896, 1897——As a rule witness visits each prison once a year, and sometimes visits the same prison a second or third time if any occasion for his so doing should arise, 1898–1900——The visits are made without previous notice, 1901, 1902.

Considerable portion of the year occupied by witness in the actual business of inspection, 1903——He makes notes at each visit for his report, but the statistical portion of it is not compiled till the end of the year, 1904, 1905. 1917——Practice of witness to communicate directly with the visiting justices, and advantage thereof in leading to the adoption of improvements by the quarter sessions, 1906–1910. 1913——Objection to witness's reports going directly before the quarter sessions; improbability of their being well received, 1907, 1908. 1911–1915.

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Voules, Herbert Poulton. (Analysis of his Evidence)—*continued.*

Disapproval of the same inspector visiting the two districts alternately, 1918, 1919——Opinion as to the sufficiency of two inspectors, 1920——Considerable discrepancies still existing as to the extent to which the separate system is carried out in different prisons in witness's district; in all new prisons the system is adopted, 1921–1929——Approval of the separate system as the only safe foundation for prison discipline, 1928. 1993, 1994. 1997.

Great advantage if the small borough prisons were united with the county prisons, and the jurisdiction vested solely in the county magistrates, 1930–1939. 1945–1950——There are but three liberty prisons now remaining in witness's district, 1940–1942——Improvement within the last ten years in the class of men appointed as governors, &c. of prisons, 1943, 1944——Approval of military men as governors rather than of raising subordinate officers to the appointment, 1951–1958.

Importance of the chaplains possessing a great deal of tact and knowledge of character, 1959——Expediency of the functions of the chaplain being confined exclusively to spiritual instruction, 1960–1963——Satisfactory working of the system of some boroughs to contract with the county for the maintenance of their prisoners, 1964–1967——Attention paid generally to witness's recommendations by the borough magistrates; instances, however, of very defective building accommodation in borough gaols notwithstanding representations on the subject, 1968–1990.

Inadequate power of the Secretary of State to enforce the required improvements in borough gaols, 1972. 1991, 1192.——Information relative to the defective accommodation in York city gaol; unwillingness of the authorities to build an improved gaol, 1977–1990——Approval of a power in the Secretary of State to require borough magistrates to build new gaols on the separate system, 1992–1995——Average of about thirty prisoners as the daily number in York gaol, 1996.

Outline of the advantages of the separate system; its great superiority over association as a means both of punishment and reformation, 1997–2008. 2028——Objections to carrying out the separate system in chapel, 2009. 2011–2020. 2029–2043——Approval of separation in the school-room unless there is sufficient supervision to prevent communication, 2010. 2021–2023——Disapproval of separate airing-yards, 2011——Non-adoption of separation in most of the chapels in witness's district, 2025–2027.

Great importance attached to the formation throughout England of societies for aiding prisoners on discharge, 2043——Satisfactory discipline in several of the borough gaols in witness's district, the fault being chiefly in their not being constructed for the separate system, 2044–2051——Obstacles to effecting the desired improvements in borough gaols on account of opposition on the part of the town councils, 2052–2055.

Objections to the treadwheel as a means of hard labour for prisoners under long sentences; its degrading effect, 2056–2069——Witness objects also to the general use of the crank as being degrading and irritating, but approves of it as a punishment for prison offences, 2069–2074. 2091——Approval of the treadwheel as a punishment during short imprisonments, 2072–2075. 2090——Strong objection to all short sentences, as tending rather to degrade and harden than to reform, 2075–2079. 2156–2166——Suggestion that many venial offences be dealt with by requiring security for good behaviour, or, if such security cannot be found, by a longer sentence than one or two months, 2075. 2080–2082. 2160–2165.

Advantage in dealing severely with vagrants, and of restraining them by means of separate confinement, 2083–2089——Recommendation that hard labour be inflicted not by the treadwheel or the crank, but by a certain amount of industrial labour or task work, 2090–2118——Suggestions with a view to different treatment of prisoners according as they are sentenced for a first offence or are re-committed, 2095–21024——Approval of stone-breaking as a means of hard labour, 2104.

Absence of any serious difficulty in fairly apportioning industrial labour among different prisoners, 2106, 2107——Use of industrial employment in several gaols as the only means of hard labour, 2108–2113——Preference generally of prisoners for industrial labour as compared with unproductive work at the crank or treadmill, 2114–2118——Long hours for which industrial occupation is enforced at Wakefield gaol, 2119, 2120——Absence of employment at Hereford gaol for men physically unfit for hard labour, 2121. 2123–2125.

Means for enforcing a due amount of industrial work, in the absence of the crank or treadwheel, 2126–2129—— Importance attached to the power of the magistrates to order the infliction of corporal punishment for misconduct in prison, 2128–2130. 2142–2144——Pernicious effects of the sympathy or ultra-philanthrophy which has been shown in the House of Commons in regard to the treatment of prisoners, 2130. 2145–2151, 2182–2186——Reference to an alteration by the Home Secretary in the rules in regard to corporal punishment, 2131–2141.

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Voules, Herbert Poulton. (Analysis of his Evidence)—*continued.*

Considerable diminution in the number and amount of corporal punishments, 2146–2151—Further objection to the crank and treadwheel, on the ground mainly of the labour being unproductive, 2152–2155. 2177–2181—Approval of confinement in separate cells as the most deterrent treatment in short sentences, 2167–2170—Ample opportunity for reformation under sentences of two years, 2171, 2172—Instances of prison treatment having resulted in reformation, 2173–2176.

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Importance of prisoners having a liberal diet, as compared with the workhouse diet, 2187. 2204, 2205—Expediency of the diet in different parts of the country being regulated with reference to the ordinary food of the same class of persons from which the prisoners generally are taken, 2188–2197—Reference to the proportion of prisoners in Birmingham gaol in receipt of beer, on medical grounds, throughout the year, 2199–2203—Objection to entirely withholding animal food and stimulants from men prevously accustomed to them, as in the manufacturing districts, 2204, 2205—Comparative diet in the civil prisons and the military prisons adverted to; shorter sentences in the latter case, 2206–2213.

Practice not to give animal food in the county gaols when the sentences do not exceed three months, 2214–2216—Expediency of the dietaries being framed with reference to the period for which the prisoners are senteneed, 2217, 2218—Intention to apply only to vagrants Class 2 of the Government scale of diet, 2219–2221—The diet should be as simple as possible, but should be sufficient to enable a man on discharge to earn an honest living by physical labour, 2222–2224.

Opinion that in witness's district there are not any indulgences in the matter of diet, 2225, 2226—Experiment being made at Wakefield prison in regard to the dietary, 2227–2231—Further statement as to the northern district being within the compass of witness's inspection; exceptional circumstances which prevented his visiting some few of the prisons during the past year, 2235–2237.

W.

Wakefield Prison:

1. *Large Number of Prisoners.*
2. *Adoption of the Separate System.*
3. *System of Labour or Industrial Employment.*
4. *Discipline and Punishments; satisfactory Operation thereof.*
5. *Instruction.*
6. *Dietary.*
7. *Exercise.*
8. *Ventilation.*

1. *Large Number of Prisoners:*

The Wakefield prison is divided into two parts, and contains about 400 Government convicts, and about 1,000 prisoners belonging to the West Riding, *Shepherd* 2819.

2. *Adoption of the Separate System:*

The separate system is applied to the majority of the West Riding prisoners, there being at present 500 separate cells, *Shepherd* 2220–2282—The prisoners are treated precisely as at Pentonville, *ib.* 2820—Prisoners committed for only eight or ten days are not employed at all, but are kept strictly separate on bread and water, *ib.* 2860, 2861—Total of 719 full sized cells, certified for separate confinement, in Wakefield prison, *ib.* 2918.

3. *System of Labour or Industrial Employment:*

Long hours for which industrial occupation is enforced at Wakefield gaol, *Voules* 2199, 2120—Statement as to there being no hard labour at the wheel or crank; difficulty of enforcing such labour, *Shepherd* 2823. 2829–2831. 2862–2874—Employment of the prisoners at shoemaking, mat-making and weaving; particulars hereon as to the amount of work required, and the number of hours for which employed, *ib.* 2832–2840.

Outline of the daily occupation of the prisoners from six in the morning until bed time, *Shepherd* 2843, 2844—Portions of the day devoted to exercise and to instruction, &c., so that about seven-and-a-half or eight hours are actually occupied in labour, *ib.* 2848–6855—Explanatory statement showing that the hours of work, including exercise, school, &c. are 10½ hours daily, or eight-and-a-half hours at industrial work, *ib.* 2896—Irksome labour involved in the employment of the prisoners at work, something similar to oakum picking; particulars hereon, *ib.* 3032–3055—General discretion exercised by witness as to the amount of labour to be imposed on each prisoner, *ib.* 3058, 3059.

Return relative to the modes of labour, &c., *App.* 510.

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WAKEFIELD PRISON—continued.

4. *Discipline and Punishments; satisfactory Operation thereof:*

Punishment by means of bread and water diet for not doing the required amount of work, *Shepherd* 2833. 2841, 2842——Strict surveillance exercised so as to prevent communication between the prisoners, *ib.* 2845–2847——Objections to the use of corporal punishment, so that it is not resorted to, *ib.* 2869–2871——Amended system of discipline introduced by witness's suggestion into Wakefield gaol with a view to deterring or reformatory influence; satisfactory operation thereof, *ib.* 2886–2891——Strictness of the discipline in the earlier stages of imprisonment, *ib.* 2886. 2890, 2891.

Punishment involved in the deterrent element of the discipline at Wakefield, *Shepherd* 3006–3009——Comparatively small proportion of criminals in the West Riding as compared with the great majority of the English counties, *ib.* 3010–3012. 3130——Inference from the foregoing statement that the favourable result in the West West Riding must be in some measure due to the prison discipline, *ib.* 3010. 3130.

Important difference in the treatment of men who are sentenced to hard labour, and of men who are not so sentenced, *Shepherd* 3056, 3057. 3061–3063——Effective punishments for aggravated offences by placing the offenders in dark cells on bread and water for three days, and in their own cells on the regular diet for one day, and so on for a period of fourteen days, *ib.* 3109–3115. 3121–3123.

Statement of the annual average number of criminals committed to the West Riding prison, Wakefield, on the five years ending 1831, compared with those committed on the five years ending 1861, *App.* 490.

5. *Instruction:*

Interference of mid-day instruction with the industrial labour; obstacle to the instruction being imparted in the evening on account of the increased expense for additional schoolmasters, *Shepherd* 2855–2859.

Witness finds on inquiry that means of instruction may be provided in the evening without increased expense, and anticipates much advantage from a change in this direction, *Shepherd* 2897–2902——Superintendence exercised by the chaplain over the instruction, *ib.* 2907–2909——Allowance of books to the prisoners who have passed through the earlier stages and have behaved well, *ib.* 2910–2917.

6. *Dietary:*

Experiments being made at the Wakefield prison in regard to the dietary, *Voules* 2227–2231.

New scale of diet sanctioned as an experiment in the gaol for six months from September 1862; important difference between this dietary and the former one, *Shepherd* 2878–2886——Increase of diet for good conduct, which was not formerly the case; importance of this principle, *ib.* 2886–2895——System of extra diets in the prison at the discretion of the surgeon, *ib.* 2921–2923——There is no broken meat taken out of the gaol in any shape, *ib.* 2939–2943.

Statement of the amount of bread, meat, potatoes, &c., allowed to male prisoners weekly, *App.* 492.

7. *Exercise:*

Satisfactory result of an experiment at Wakefield prison of giving a short amount of extra exercise weekly, *Smith* 850——Particulars relative to the exercise allowed to the prisoners; checks upon their communicating with each other, *Shepherd* 3013-3024.

8. *Ventilation:*

Defective ventilation in the cells and rooms in the prison, where trades are carried on, *Smith* 1043.

See also *Corporal Punishment*, 4. *Hard Labour*, 3. *Identification of Prisoners*, 5. *Reformation of Criminals.* *Treadwheel.*

Wales. System of association still in force in the prisons in Wales, *Voules* 1924, 1925——Unwillingness in Wales to incur the expense of new buildings, *ib.* 1929.

Amount of the weekly allowances of meat, bread, &c. for male prisoners in the several county gaols of Wales, *App.* 492——Character of the punishment, or modes of employment of the prisoners in the several gaols, *ib.* 510.

Less investigation given by the Committee to the Welsh gaols than to those in England, *Rep.* iii.

See also *Dolgelly Prison.*

Warders. See *Staff of Gaols.*

Warming of Cells. See *Ventilation and Warming.*

Water

Report, 1863—*continued.*

Water Closets (*Separate Cells*). Arrangements in different prisons in regard to the provision of water closets in separate cells, *Perry* 159–171——Objectionable arrangements in some cells in lieu of water closets, *ib.* 177–181——Disapproval of water closets or pails in cells, the former, however, being the least objectionable, *Smith* 1047–1051——Opportunity for association where the water closets are not in the separate cells, *Sir J. Jebb* 1105——Absence of any prejudice to health if the water closets in cells are properly constructed, as at Pentonville, *ib.* 1106–1108.

West Riding. Statement showing that there are but seven counties in which the proportion of criminals is smaller than in the West Riding, *Shepherd* 3010–3012. 3130——Further statement showing for the West Riding that the prisoners are largely made up of old offenders and of travelling thieves, and that these classes have greatly increased, *ib.* 3127 *See* also *Wakefield Prison.*

Whitehall, George. (Analysis of his Evidence.)—Has been Governor of Poole prison for four years; previously held office in Southampton and Winchester gaols, 4718–4721——The average number of prisoners in the gaol is about two, the highest number being eleven, and it being sometimes empty, 4722–4724——The only officers are witness and a matron, 4725–4727——There are seven sleeping cells and a day room, 4728–4730——Those only who are convicted at the Poole Quarter Sessions are sent to the borough gaol, 4731–4737.

There have been no instances of violent or refractory prisoners, 4738–4749. 4746, 4747——Single instance of escape from the prison, 4741–4745——Practice of sleeping the prisoners together when there are more than seven; this practice is rarely resorted to, 4748–4754. 4830, 4831——Association of the prisoners during the day, when there is any one in the debtors' ward; absence of mischief therefrom, 4755–4762——Character of the accommodation for females, 4763–4771.

Practice as to the employment or labour of the prisoners at the treadwheel and at oakum-picking, 4772–4782. 4828——Way in which the custody of the prisoner is provided for during witness's absence, 4783–4789. 4814, 4815——Checks upon the escape of prisoners; advantage in a police station being close by, 4787–4789. 4838–4843——System of contract for the diet at the rate of 5*s.* 6*d.* per head weekly, 4790–4796——Arrangement as to the attendance of a surgeon and chaplain, 4796–4802.

Explanation as to the mode of account by witness for the food and fuel used in the prison, 4803–4810——Considerable expense of conveyance of prisoners from Poole to Dorchester as compared with their maintenance in Poole gaol, 4819. 4832–4834——The inspector has never made any serious complaint to witness about the gaol, 4820, 4821——The visiting magistrates and the recorder have not expressed dissatisfaction, 4822–4824.

Witness has a salary of 60 *l.* for himself and his wife, with a house and coals, 4825, 4826——Dislike of females to be sent to Poole gaol as compared with Dorchester, 4827——The men are locked up in the cells at night and are kept separate, 4829–4831——A bread and water diet has generally been found effectual as a mode of punishment, 4835–4837.

Wilts (*County Gaol*). Statement of the amount of bread, meat, potatoes, &c. allowed to male prisoners weekly, *App.* 492——Character of the punishment, and means of employment of the prisoners, *ib.* 510.

Worcester (*City*) *Gaol.* Opportunity of the prisoners for communication when on the treadmill, *Parry* 304.

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Number of warders in the prison, and amount of their pay; remuneration also of witness and his wife, who is matron, *Griffiths* 5046–5049. 5124. 5138–5146——Arrangement as to the exercise of the prisoners, *ib.* 5050–5053——Nature of the checks upon communication between the prisoners, *ib.* 5056–5065——Separate accommodation for debtors, *ib.* 5071–5073.——Circumstances under which the separation or classification of the women cannot always be carried out, *ib.* 5074–5076.

Practice as to the daily amount of labour at the treadwheel, and the number at work at one time, *Griffiths* 5078–5089——Services of the chaplain adverted to, *ib.* 5090–5097——Unsatisfactory character of the general system of the gaol, and of its construction; reports to this effect by the inspector, but without result, on account of the want of funds for carrying out improvements, *ib.* 5098–5120. 5157, 5158——Number of officers available in the event of an outbreak among the prisoners at night, *ib.* 5121–5124.

Statement as to the borough of Worcester not contracting for the maintenance of its prisoners in the county gaol, *Griffiths* 5125–5136——Great alteration in the arrangements as compared with former years, *ib.* 5146–5148——Nature of the opportunities of the female prisoners for communicating with the men, *ib.* 5149–5154——The re-committals are not above the average, and are rather on the decrease, *ib.* 5154, 5155.

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Workhouses:

1. *As to the Diet.*
2. *As to the Committal of Offences by Workhouse Inmates.*

1. *As to the Diet:*

Evidence to the effect that the diet in forty-six union workhouses in England is lower than the average diet in the county prisons, *Oakley* 3300-3314.

Explanatory statement relative to the course adopted by the poor law authorities in regard to the dietaries of the workhouses; several scales laid down for local adoption, *Lumley* 3388. 3391-3393. 3414-3426——Improvement from time to time in the dietaries of different unions, *ib.* 3391. 3394-3396. 3428——Check exercised by the Central Board as to the amount of meat, &c., *ib.* 3396-3413——Reference had to the diet of the labouring classes out of doors, *ib.* 3396-3413. 3431——Low diet of vagrants or casual paupers as compared with the prison diet, *ib.* 3432. 3437-3439——Question as to so good a diet being required in workhouses as in prisons, *ib.* 3446-3450.

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2. *As to the Committal of Offences by Workhouse Inmates:*

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Doubt as to workhouse offences being sometimes committed in order to gain admittance to gaols, *Sir W. Crofton* 3268——Importance of a proper classification in workhouses; much contamination arising from association therein, *ib.* 3269-3274.

Grounds for the conclusion that paupers frequently commit offences in order to be removed to gaols, on account of the better diet and accomodation than in workhouses, *Oakley* 3310. 3315-3323. 3343-3346.

Limited number of workhouse inmates who sometimes commit offences for the sake of being committed to prison; these are chiefly vagrants and not regular or ordinary inmates, *Lumley* 3432, 3433. 3443-3445——Doubt as to the workhouses causing contamination and crime; classification resorted to as a check upon demoralization, *ib.* 3434-3436. 3440-3422.

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Y.

York (City) Gaol. Information relative to the defective accommodation in York City Gaol; unwillingness of the authorities to build an improved gaol, *Voules* 1977-1990——Average of about thirty prisoners as the daily number in York Gaol, *ib.* 1996.